

# Exhibit 4

PAUL NICHOLAS WHELAN  
January 18, 2013

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

JOHN ISOTALO and  
DAN TOMICA,

Plaintiffs,

v.

No. 12-cv-11253

KELLY SERVICES, INC.,  
a foreign profit corporation,

Defendant.

RECEIVED  
FEB 05 2013

BY: 

DEPONENT: PAUL NICHOLAS WHELAN

DATE: Friday, January 18, 2013

TIME: 10:20 A.M.

LOCATION: 2701 Cambridge Court, Suite 223  
Auburn Hills, Michigan

REPORTER: Karen R. Gruskin, CSR-3026

PAUL NICHOLAS WHELAN

January 18, 2013

1 APPEARANCES:  
 2 MS. HEIDI T. SHARP  
 3 Burgess & Sharp, PLLC  
 4 Suite 280, 43260 Garfield  
 5 Clinton Township, Michigan 48038  
 6 (586) 226-2627  
 7 Appearing on behalf of the Plaintiffs.  
 8  
 9 MR. STEVEN M. POTTER  
 10 Potter, DeAgostino, O'Dea & Patterson  
 11 Suite 223, 2701 Cambridge Court  
 12 Auburn Hills, Michigan 48326  
 13 (248) 377-1700  
 14 Appearing on behalf of the Defendant.  
 15  
 16 Also Present: MR. JOHN ISOTALO and  
 17 MR. ROBERT Q. ROMANELLI  
 18  
 19  
 20  
 21  
 22  
 23  
 24  
 25

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1 Auburn Hills, Michigan  
 2 Friday, January 18, 2013  
 3 At about 10:20 A.M.  
 4 ---  
 5 PAUL NICHOLAS WHELAN,  
 6 was thereupon called as a witness herein, and after having  
 7 been duly sworn to testify to the truth, the whole truth,  
 8 and nothing but the truth, was examined and testified as  
 9 follows:  
 10 EXAMINATION  
 11 BY MS. SHARP:  
 12 Q. Good morning. Can you please state your full name for the  
 13 record?  
 14 A. **Paul Nicholas Whelan.**  
 15 Q. My name is Heidi Sharp. I am an attorney for the plaintiffs  
 16 in this matter.  
 17 Have you ever been deposed before?  
 18 A. **I have.**  
 19 Q. When was that?  
 20 A. **Mid '90s.**  
 21 Q. What was that in regard to?  
 22 A. **Traffic accident.**  
 23 Q. Was that a traffic accident you were involved in?  
 24 A. **No, a witness.**  
 25 Q. Witness to a traffic accident.

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1 I will give you some brief instructions since it  
 2 has been a while since you were deposed. Hopefully, it will  
 3 help us today.  
 4 This is a question-and-answer session. I ask the  
 5 questions and you provide the answers. If you need a break,  
 6 just let me know. I'd just ask that you answer the question  
 7 pending before we take a break.  
 8 If your attorney provides an objection you still  
 9 need to answer the question. Just allow him to object, so  
 10 we have a clear record.  
 11 In regard to a clear record, as you can see and  
 12 as we discussed, she is taking everything down, so make sure  
 13 that I finish asking the question before you provide the  
 14 answer.  
 15 A. **Correct.**  
 16 Q. Also, in that regard, all of our questions and answers need  
 17 to be out loud. No nods of the head, shakes, uh-huhs,  
 18 uh-uhs and things like that; all yeses and noes.  
 19 A. **Right.**  
 20 Q. If you answer the question as I have asked it, I am going to  
 21 assume that you understood it. If you need me to reask it,  
 22 ask it another way or repeat it, please let me know.  
 23 Do you understand those instructions?  
 24 A. **Yes.**  
 25 Q. Any questions before we begin?

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2 (Pages 2 to 5)

PAUL NICHOLAS WHELAN

January 18, 2013

1 **A. No.**  
 2 Q. Who is your current employer?  
 3 **A. Kelly Services.**  
 4 Q. How long have they been your employer for?  
 5 **A. Eleven years.**  
 6 Q. What is your current position?  
 7 **A. Senior manager of global security and investigations.**  
 8 Q. How long have you held that position for?  
 9 **A. Three years.**  
 10 Q. So that would take you back to 2010?  
 11 **A. Yes.**  
 12 Q. How many employees do you currently supervise?  
 13 **A. Ten.**  
 14 Q. Are you the direct supervisor of all of those employees?  
 15 **A. Yes.**  
 16 Q. Is this the same position as what is known as a global  
 17 security manager?  
 18 **A. No.**  
 19 Q. How does it differ from a global security manager?  
 20 **A. Global security is, you could say, the umbrella organization**  
 21 **that I belong to.**  
 22 **Within global security, you have global security**  
 23 **and investigations. Global security and investigations**  
 24 **handles investigations, while global security handles**  
 25 **business continuity and other miscellaneous things within**

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1 **A. The coordinator works for global security and investigations**  
 2 **basically handling investigative tasks and projects for me.**  
 3 **Nothing to do with the campus itself. So he is handling**  
 4 **global issues at my behest.**  
 5 **The security officer that doesn't work in campus**  
 6 **security works executive services, driving the president of**  
 7 **the company, doing other executive tasks and he also handles**  
 8 **the campus badges, identification badges, issuing badges, et**  
 9 **cetera, et cetera, handling access.**  
 10 Q. So they work within the department, but they are not working  
 11 on actual campus security?  
 12 **A. Right.**  
 13 Q. You also have other security officers who are working on  
 14 campus security?  
 15 **A. Yes.**  
 16 Q. How many security officers are working on campus security?  
 17 **A. Eight right now.**  
 18 Q. Has it always been eight security officers since 2011?  
 19 **A. No.**  
 20 Q. In the beginning of 2011, how many security officers were  
 21 assigned campus security?  
 22 **A. Can you be more specific.**  
 23 Q. Let's backup a little, then.  
 24 MR. POTTER: You mean by date?  
 25 THE WITNESS: Yes.

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1 **the security realm, if that makes sense.**  
 2 Q. A little bit.  
 3 How about this: What are your duties as the  
 4 senior manager of global security and investigations?  
 5 **A. I manage investigations. I conduct investigations. I**  
 6 **manage personnel. I am in charge of the campus security**  
 7 **group. I manage projects that are security based, security**  
 8 **related. I handle some purchasing for global security and**  
 9 **global security and investigations. Anything electronic,**  
 10 **IT-related access, things of that nature.**  
 11 Q. What type of investigations are you referring to?  
 12 **A. Theft, fraud, sexual harassment, workplace violence.**  
 13 **Anything, really, that impacts Kelly Services as a global**  
 14 **company, whether it is in the United States or the countries**  
 15 **that I manage. Anything that really impacts our business,**  
 16 **our brand, things of that nature.**  
 17 Q. Now, when you are referring to personnel and campus  
 18 security, would that be you also overseeing the security  
 19 officers?  
 20 **A. Right. I have a coordinator who does not belong to campus**  
 21 **security, I have a security officer who doesn't work within**  
 22 **campus security, and then I have security officers in campus**  
 23 **security.**  
 24 Q. What do you mean that you have a coordinator and security  
 25 officer who do not work within campus security?

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1 MS. SHARP: That's fine.  
 2 MR. POTTER: Go ahead.  
 3 Q. (By Ms. Sharp) In January 2011, how many security officers  
 4 did you have assigned to campus security?  
 5 **A. I didn't.**  
 6 Q. What do you mean by that?  
 7 **A. I didn't manage the group in 2011, at that point.**  
 8 Q. Has your job changed over time in the last three years?  
 9 **A. It has, dramatically.**  
 10 Q. From the beginning of 2011 to currently, has it changed?  
 11 **A. Yes.**  
 12 Q. Tell me how it has changed from the beginning of 2011, for  
 13 example, January, throughout 2011.  
 14 **A. In March of 2011, I assumed responsibility for the now**  
 15 **titled campus security group.**  
 16 Q. So you did not oversee the campus security group as of  
 17 January 2011?  
 18 **A. No.**  
 19 Q. Are you aware of how many campus security officers there  
 20 were in January 2011?  
 21 **A. No.**  
 22 Q. Because you didn't manage that group?  
 23 **A. Right.**  
 24 Q. Who managed the group in January 2011?  
 25 **A. Steven Davis.**

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3 (Pages 6 to 9)

PAUL NICHOLAS WHELAN  
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1 Q. What was his title as of January 2011?  
2 **A. I believe he was a global security manager.**  
3 Q. Are you aware if he still holds that title today?  
4 **A. Yes, I believe it's the same title.**  
5 Q. The campus security department moved under your department  
6 as of March 2011?  
7 **A. Right.**  
8 MR. POTTER: As of March 20th?  
9 MS. SHARP: March 2011.  
10 MR. POTTER: 2011, okay. I thought you meant  
11 March 20th. Sorry.  
12 Q. (By Ms. Sharp) When the campus security group moved into  
13 your department, do you recall how many campus security  
14 officers there were?  
15 **A. No.**  
16 Q. Now, when the group moved into yours, there are employees  
17 who were directly employees of Kelly Services; is that the  
18 case?  
19 **A. Yes, there were.**  
20 Q. Were there also employers who were not Kelly Services direct  
21 hires, but who were acting as campus security officers on  
22 behalf of Kelly Services and were contracted through other  
23 companies?  
24 **A. Yes.**  
25 Q. Do you recall what company they were contracted through?

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1 MR. POTTER: At what time?  
2 MS. SHARP: March 2011.  
3 MR. POTTER: A change occurred in March 2011.  
4 MS. SHARP: I guess we will find out that in a  
5 second.  
6 MR. POTTER: Okay. Go ahead.  
7 Q. (By Ms. Sharp) When the campus security group came to you.  
8 **A. On the day it came to me, we used Nationwide. I think it's**  
9 **Nationwide Security Services or something like that.**  
10 Q. We will use that as a reference point.  
11 On the day that it came to you, do you recall how  
12 many security officers were contracted by Nationwide at that  
13 time?  
14 **A. No.**  
15 Q. Do you know approximately?  
16 **A. Yes.**  
17 Q. About how many?  
18 **A. Three.**  
19 Q. After the group came to you, did you continue the Nationwide  
20 contract?  
21 **A. No.**  
22 Q. Do you know why the Nationwide contract didn't continue?  
23 **A. Yes.**  
24 Q. Why didn't it continue?  
25 **A. The level of staff they were providing us wasn't meeting our**

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1 **needs. As a specific point of reference, one of their**  
2 **employees had used our assets to stalk her former lover and**  
3 **basically ended up in prison for felonious stalking.**  
4 **Because of that sort of quality, we decided to make a**  
5 **change.**  
6 Q. What do you mean by used one of your assets?  
7 **A. Our telephones.**  
8 **She was a Detroit police sergeant.**  
9 MR. POTTER: We are laughing at assets instead of  
10 telephone.  
11 THE WITNESS: Her girlfriend is a prosecutor in  
12 Wayne County. And, for whatever reason, she decided to  
13 stalk her and use our assets so it wasn't a good fit.  
14 Q. (By Ms. Sharp) Did you have any of the decision-making  
15 authority to end the Nationwide contract?  
16 **A. No.**  
17 Q. Do you know who made the decision to end the Nationwide  
18 contract?  
19 **A. Yes.**  
20 Q. Who was that?  
21 **A. Thomas Catalano.**  
22 Q. Did you have any discussion with him or take part at all in  
23 providing input into any of the Nationwide contract?  
24 **A. Yes.**  
25 Q. Do you recall when that occurred?

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1 **A. March 22 of 2011. That was a Sunday.**  
2 Q. You recall that was a Sunday?  
3 **A. Yes.**  
4 Q. Because you were working on a Sunday, so you remember  
5 that?  
6 **A. Yes.**  
7 Q. Did Mr. Catalano receive the information regarding the use  
8 of this asset from you, this telephone?  
9 Do you know if that was one of the reasons why he  
10 decided to end the Nationwide contract?  
11 **A. Can you split the question in half?**  
12 Q. Sure.  
13 Did Mr. Catalano receive the information  
14 regarding the Nationwide employee's use of the telephone  
15 from you?  
16 **A. No.**  
17 Q. Do you know if one of the reasons why he ended the  
18 Nationwide contract was the use of the telephone?  
19 **A. Yes.**  
20 Q. Do you know any of the other reasons why he decided to end  
21 the Nationwide contract?  
22 **A. The manner in which the security officers operated from that**  
23 **company wasn't in keeping with what we desired as far as**  
24 **security services.**  
25 Q. I want to backup a little, because we went down a road that

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4 (Pages 10 to 13)



PAUL NICHOLAS WHELAN

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1 I did want to go down but not at this time.  
 2 You have been senior manager of global security  
 3 and investigations for quite some time, but your job has  
 4 changed over time during 2011 as you described to me.  
 5 In March 2011, when you took over the campus  
 6 security group, how did your job relate to Mr. Davis?  
 7 Do you understand?  
 8 **A. I understand the question. It didn't at all.**  
 9 Q. Were you lateral to him, or were you a manager to him?  
 10 **A. Neither.**  
 11 Q. Did you have authority over Mr. Davis?  
 12 **A. No.**  
 13 Q. In your position from January 2011 to March 2011, did you  
 14 have authority over the security officers?  
 15 **A. Yes.**  
 16 Q. Could you give them day-to-day instruction?  
 17 **A. Yes.**  
 18 Q. Did you supervise them?  
 19 **A. Yes.**  
 20 Q. When you provided them instruction, did you expect that  
 21 they would take your instruction and follow through with  
 22 it?  
 23 **A. Yes.**  
 24 Q. If they didn't listen to any of the instruction that you  
 25 provided, would that be insubordination?

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1 **A. I would say no.**  
 2 Q. Why not? I am trying to find out how --  
 3 **A. How about a definition of insubordination.**  
 4 Q. What I am trying to find out here is how Mr. Davis'  
 5 department of the campus security related to your department  
 6 from January 2011 through March 2011.  
 7 For example, if you were to make a basic tree,  
 8 how did Mr. Davis' -- do you understand what I am saying?  
 9 **A. Yes. It wouldn't look like a tree.**  
 10 Q. What would it look like?  
 11 **A. You have to understand that managers manage process as**  
 12 **opposed to people. So you can have multiple managers that**  
 13 **don't manage anybody, but that manage process.**  
 14 Q. It can be the case that a manager may just be in charge of a  
 15 process or a project, but from January 2011 to March 2011,  
 16 Mr. Davis was in charge of the campus security officers?  
 17 **A. Right.**  
 18 Q. And you were in charge, then, of campus security and  
 19 investigations during that time?  
 20 **A. No.**  
 21 Q. You were not?  
 22 **A. No. It's global security and investigations.**  
 23 Q. That's correct. I will get that by the end of this, and I  
 24 will forget it later.  
 25 In your position in global security and

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1 investigations, describe to me how it related to his  
 2 position.  
 3 **A. It didn't at all.**  
 4 Q. In no way do you feel it related?  
 5 **A. No.**  
 6 Q. But you could give instruction to the security officers?  
 7 **A. Yes.**  
 8 Q. If they did not follow through with the instruction that you  
 9 provided to them, do you feel that it would relate to  
 10 discipline?  
 11 **A. I would have to turn that over to their manager, who would**  
 12 **then make that decision.**  
 13 Q. Based on your relationship with Mr. Davis, describing the  
 14 situation to him, it was up to him?  
 15 **A. Correct. They were his people.**  
 16 Q. How long total have you been with Kelly Services?  
 17 **A. I think it's 11 or 12 years.**  
 18 Q. Have you always been in global security?  
 19 **A. No.**  
 20 Q. What position did you first start in?  
 21 **A. I was a project manager in information technology.**  
 22 Q. Tell me about your educational experience.  
 23 **A. Bachelor's in criminal justice, master's of business**  
 24 **administration.**  
 25 Q. Do you have any military experience?

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1 **A. Yes.**  
 2 Q. Tell me about that.  
 3 **A. Marine Corps. From 2003 actually to 2008, I was on a**  
 4 **military leave of absence from Kelly serving in Iraq**  
 5 **primarily.**  
 6 Q. Was that with the Marines?  
 7 **A. Yes. And prior to joining Kelly, I was in the Marine**  
 8 **Corps.**  
 9 Q. When was that?  
 10 **A. 1990 through 2001, when I joined Kelly. Active duty on**  
 11 **reserve.**  
 12 Q. So there was on-and-off periods where you were in there, and  
 13 for the reserves you would do like the weekends and things  
 14 like that?  
 15 **A. Or longer periods of duty but, yes, basically.**  
 16 MR. POTTER: Were you a reservist from 2003 to  
 17 '08 when you were in Iraq?  
 18 THE WITNESS: Yes.  
 19 MR. POTTER: So you were an active-duty  
 20 reservist, then?  
 21 THE WITNESS: It is complicated, but yes.  
 22 MR. POTTER: I want to make sure you were not  
 23 doing weekends in Iraq.  
 24 THE WITNESS: I can attest that I was not doing  
 25 weekends in Iraq.

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5 (Pages 14 to 17)

PAUL NICHOLAS WHELAN  
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1 Q. (By Ms. Sharp) Other than your military experience, do you  
2 have any law enforcement experience?  
3 A. Yes.  
4 Q. Tell me about that.  
5 A. I was a deputy sheriff and a police officer from 1988  
6 through 2000.  
7 Q. Where at?  
8 A. I started with the Chelsea police and worked with the  
9 Washtenaw County Sheriff.  
10 Q. Do you have any licenses or affiliations?  
11 A. I have a federal firearms license, if that counts. I am a  
12 notary.  
13 Do you want professional organizations, that sort  
14 of thing?  
15 Q. No. That's okay. That's fine.  
16 Do you know why the campus security group came  
17 under your organization in March 2011?  
18 A. Yes.  
19 Q. Tell me about that.  
20 A. There had been a series of incidents and events and  
21 situations in which the credibility and reputation of the  
22 group was called into question, including several thefts of  
23 money, just a general lackadaisical attitude, violations of  
24 company policy and issues that didn't really make the group  
25 look good, didn't make the overall global security group

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1 their shift ended, not performing the duties expected of  
2 them.  
3 We have designated smoking areas on campus.  
4 People were smoking where they wanted to, leaving their  
5 butts where they wanted to.  
6 There was an issue with an officer carrying his  
7 firearm illegally. Sexual harassment comments. As women  
8 were walking out the door, intercoms would be used to make  
9 sexually-harassing comments.  
10 That's really all I have off the top of my head.  
11 Q. When you are saying "employees," are you referring to other  
12 Kelly employees and these issues were not being addressed by  
13 security officers or the security officers?  
14 A. The security officers were committing all these offenses.  
15 Q. You mentioned one of them that you considered the climax,  
16 which was \$4,000 for the New Zealand earthquake fund, which  
17 was mishandled and then ultimately stolen.  
18 Do you recall when that occurred?  
19 A. It was early 2011.  
20 Q. Early January and February 2011?  
21 A. I don't know.  
22 Q. When you say there was a series of incidents and events  
23 where the credibility of the group came into question, who  
24 called the credibility of the group into question?  
25 A. Members of global security as well as other managers and

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1 look good. The credit union had a few hundred dollars  
2 stolen.  
3 One of the major incidents is there was a bank  
4 bag of \$4,000 that was turned over from the treasury  
5 department to the security officers for delivery to the  
6 bank. It was \$4,000 of money collected by Kelly employees  
7 for the Christ Church New Zealand Earthquake Relief Fund.  
8 Basically, the money was going to our employees in New  
9 Zealand who had suffered catastrophic loss due to an  
10 earthquake.  
11 That bag of money was taken by a security  
12 officer, mishandled and then stolen from the control room,  
13 which only security officers and facilities members had  
14 access to. That was probably the climax.  
15 But there was money stolen from a locked office  
16 within the cafeteria that occurred at night when only our  
17 people would have had access. The same with the credit  
18 union. There were incidents where food was being taken from  
19 the cafeteria storage rooms and also food had being taken  
20 from the refrigerators, which caused spoilage and issues  
21 with public health violations.  
22 There were issues with employees coming to work  
23 in a state that they couldn't perform their duties because  
24 of alcohol or other issues. There were issues with  
25 people just not turning up on time, not staying until

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1 people within the Kelly Services organization.  
2 MS. SHARP: Can you not coach the witness,  
3 please?  
4 MR. POTTER: I am just refreshing his memory with  
5 the date on that investigation. That's all.  
6 MS. SHARP: That's fine. I will show it to him,  
7 if I need to.  
8 MR. POTTER: That's all it is.  
9 Q. (By Ms. Sharp) What members of global security are you  
10 referring to?  
11 A. Thomas Catalano, David Eager, Malcolm Thompson, Steven  
12 Sovey, Diane McCormick.  
13 Q. Tom Catalano, it is my understanding, was the vice president  
14 of global security?  
15 A. And is currently.  
16 Q. And Dave Eager, what is his position?  
17 A. He is another senior manager.  
18 Q. He is the senior manager of what or was the senior manager  
19 of?  
20 A. He is a senior manager within global security and  
21 investigations.  
22 Q. And Malcolm Thompson?  
23 A. He is a coordinator that works for me.  
24 Q. So he was a coordinator within global security?  
25 A. And investigations.

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6 (Pages 18 to 21)

PAUL NICHOLAS WHELAN

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1 Q. And Diane McCormick, what is her position?  
 2 **A. She is a director within global security and business**  
 3 **continuity.**  
 4 Q. And Steven Sovey?  
 5 **A. He is a coordinator within global security and**  
 6 **investigations, who reports to David Eager.**  
 7 Q. So each of these persons, in response, had a discussion  
 8 regarding the security officers and these incidences?  
 9 **A. We had a number of discussions about the goings on. I think**  
 10 **Eager investigated the thefts.**  
 11 Q. Was Mr. Davis also involved in these discussions?  
 12 **A. Yes.**  
 13 Q. At the time Mr. Davis, obviously, was the supervisor of the  
 14 campus security officers. What was his take on these  
 15 incidences?  
 16 **A. When you say at the time...**  
 17 Q. When the incidences were going on, wouldn't he have been the  
 18 supervisor of the campus security officers?  
 19 **A. Yes.**  
 20 Q. What was his take on these incidences?  
 21 **A. He agreed with us, that it was casting a shadow over the**  
 22 **entire organization.**  
 23 Q. Was he following up on the person or persons who was  
 24 supposedly blamed for any of these incidences?  
 25 **A. I don't know.**

Page 22

1 **A. The one I know about would be the March 7th theft, David**  
 2 **Eager.**  
 3 Q. The one that you referred to regarding the earthquake money?  
 4 **A. Yes.**  
 5 Q. Any of the others?  
 6 **A. I don't know.**  
 7 Q. You mentioned violation of company policy, theft, money  
 8 stolen from a locked office, food taken from the cafeteria,  
 9 employees coming to work in a state where they could not  
 10 perform their duties, cigarette butts being out of place, an  
 11 officer carrying a firearm illegally and sexual harassment  
 12 comments over the loud speaker.  
 13 Did your division investigate any of those  
 14 incidences?  
 15 **A. I don't know.**  
 16 Q. You don't know if there was an investigation by your group,  
 17 so you wouldn't have any personal knowledge of any of those  
 18 other incidences?  
 19 MR. POTTER: Whether they were investigated, you  
 20 mean?  
 21 MS. SHARP: I want to know if he has any personal  
 22 knowledge of any of those other incidences or events.  
 23 MR. POTTER: Go ahead.  
 24 **A. Yes, I do.**  
 25 Q. (By Ms. Sharp) How do you have personal knowledge of them,

Page 24

1 Q. Did you ask him if he was following up?  
 2 **A. No.**  
 3 Q. So you didn't find out if Mr. Davis was following up with  
 4 any of his employees?  
 5 **A. No.**  
 6 Q. Why not?  
 7 **A. He didn't report to me.**  
 8 Q. Who did Mr. Davis report to at the time?  
 9 **A. Tom Catalano.**  
 10 Q. Do you know if Tom Catalano found out if Mr. Davis was  
 11 following up with his employees?  
 12 **A. I don't know.**  
 13 Q. Who made the decision, ultimately, to put the campus  
 14 security officers under your division?  
 15 **A. I don't know.**  
 16 Q. How did the group come to be under your division?  
 17 **A. Tom Catalano directed me to assume management over the**  
 18 **group.**  
 19 Q. As of what date was that?  
 20 **A. March 18, 2011.**  
 21 Q. Did your division, global security and investigations,  
 22 investigate any of the incidences and events that you just  
 23 described to me?  
 24 **A. Yes.**  
 25 Q. Which ones?

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1 if you don't know if your group investigated them?  
 2 **A. Because there was discussion about the issues and complaints**  
 3 **were made about the conduct.**  
 4 Q. There were complaints made by Dave Eager, Malcolm Thompson,  
 5 Diane McCormick or Steve Sovey within your internal  
 6 meetings?  
 7 **A. No.**  
 8 Q. Where were the complaints made?  
 9 **A. They were made by third parties. The discussion occurred**  
 10 **within our group.**  
 11 Q. What do you mean there were complaints made by third  
 12 parties?  
 13 **A. Third parties would complain about conduct.**  
 14 Q. What type of third parties?  
 15 **A. Other employees with Kelly Services.**  
 16 Q. Employees would come to you?  
 17 **A. Yes.**  
 18 Q. Personally?  
 19 **A. Yes.**  
 20 Q. And tell you about things?  
 21 **A. Yes.**  
 22 Q. Had they witnessed it?  
 23 **A. Yes.**  
 24 Q. Did you, then, go investigate it yourself?  
 25 **A. No.**

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7 (Pages 22 to 25)



PAUL NICHOLAS WHELAN  
January 18, 2013

1 Q. So you don't have any personal knowledge of whether these  
2 incidences and events actually occurred?  
3 **A. No, that is not correct.**  
4 Q. How is that not correct?  
5 **A. Because I witnessed some of the incidents myself.**  
6 Q. I just asked you if you investigated or if you had any  
7 personal knowledge. Which incidences or events did you  
8 actually witness?  
9 **A. I witnessed people smoking where they shouldn't have been,**  
10 **leaving their butts where they shouldn't have been, carrying**  
11 **weapons that they shouldn't have been.**  
12 Q. Did you report any of these things?  
13 **A. Oh, yes.**  
14 Q. Who did you report it to?  
15 **A. Steven Davis.**  
16 Q. When did these events occur?  
17 **A. I would say the middle of 2010 to March 2011.**  
18 Q. Did you report this verbally or in writing?  
19 **A. Verbally. I would have to take that back, to the middle of**  
20 **2009.**  
21 Q. So from the middle of 2009 through March 2011, if you saw  
22 security officers carrying their firearms illegally and  
23 leaving cigarette butts where they shouldn't have been, you  
24 reported it to Steven Davis?  
25 **A. Correct.**

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1 Q. But this was all verbal?  
2 **A. Yes.**  
3 Q. When you took over the campus security group, you had  
4 approximately three contract employees from Nationwide  
5 security. How did the Nationwide security employees' duties  
6 differ from the employees hired at Kelly Services to be  
7 campus security officers?  
8 **A. They didn't.**  
9 Q. They did the same exact type duties?  
10 **A. Correct. Same expectations.**  
11 Q. Same expectations, same position description and if you  
12 needed a Nationwide security officer to fill in for a Kelly  
13 security officer, they could do so?  
14 **A. Yes.**  
15 Q. They had the same security clearance? All of those things?  
16 **A. Yes.**  
17 Q. After Nationwide's contract ended, was another contract  
18 obtained for more contract employees?  
19 **A. It was. Not as you stated it, but it was.**  
20 Q. That was probably a bad question anyway. Sometimes after  
21 you hear it out loud, it wasn't very good.  
22 After Nationwide's contract was discontinued, a  
23 time came when another contract was signed for security  
24 officers to be contracted to Kelly Services?  
25 **A. Yes. There was an overlap period.**

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1 Q. Do you know who that contract was with?  
2 **A. Yes.**  
3 Q. Who was the contract with?  
4 **A. Whelan Security.**  
5 Q. As we have come to learn, Whelan Security has a similar  
6 surname to yourself?  
7 **A. They do.**  
8 Q. Do you know why that's the case?  
9 **A. Why?**  
10 Q. Yes. Is it anything other than coincidence?  
11 **A. I can go back to the history of our families and where the**  
12 **name originated, if you'd like that.**  
13 Q. That would be an interesting way of saying no.  
14 **A. No.**  
15 Q. Whelan Security and yourself share no commonality. You are  
16 not related, as you know, to Whelan Security?  
17 **A. My name is actually Weylan, but everybody pronounces it**  
18 **Whelan and I let it go. So it's no relation.**  
19 Q. You don't know if they pronounce it Weylan or Whelan?  
20 **A. They pronounce it Whelan. My name is Weylan. It is the**  
21 **same spelling.**  
22 Q. And it is the same spelling?  
23 **A. Correct.**  
24 Q. Which was my next question.  
25 **A. So if I go back to the etymology of the name, then it all**

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1 **makes sense.**  
2 Q. But as far as you know, you are not related, in any way, to  
3 the owner of Whelan Security?  
4 **A. I am not.**  
5 Q. Do you know how Kelly found Whelan Security?  
6 **A. I do.**  
7 Q. Tell me about that.  
8 **A. Members of global security and investigations belong to an**  
9 **organization called ASIS. It used to be the American**  
10 **Society of Industrial Security, I believe, but they have**  
11 **changed that. I think the moniker now is just ASIS. It is**  
12 **a professional security organization.**  
13 **We are bombarded with advertising and**  
14 **solicitations for security services and whatnot, different**  
15 **product services, from members of ASIS. Whelan Security is**  
16 **one of those.**  
17 **At one point, they had sent us information about**  
18 **their services. They were new in Michigan. I actually**  
19 **contacted one of their vice presidents due to the similarity**  
20 **in name, but also to see what they offered.**  
21 **Generally, when the solicitations came in, we**  
22 **would vet them to see if they had any applicability to our**  
23 **global program or our national program.**  
24 Q. Did you, yourself, conduct what you call the vetting  
25 process?

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8 (Pages 26 to 29)

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1 **A. I did and others, yes.**  
2 **When I say "vetting" --**  
3 Q. I know what you mean.  
4 **A. It's a phone call.**  
5 Q. And that's what I am wondering. What was your vetting  
6 process?  
7 What kind of information did you obtain from  
8 them?  
9 **A. Generally, we would give them a phone call, and they would**  
10 **send us a package with brochures and product information.**  
11 **Sometimes pricing, but generally just an overview of what**  
12 **the company provided as far as services.**  
13 Q. Did you, at that time, obtain information from any other  
14 contract companies about security officers?  
15 **A. What do you mean by at that time?**  
16 Q. March 2011.  
17 **A. This information was gathered in previous years.**  
18 Q. Information about other security companies?  
19 **A. Yes. It was an ongoing process, because we were constantly**  
20 **being solicited, as we are today.**  
21 Q. The information from Whelan may or may not have been  
22 gathered in March 2011?  
23 **A. Oh, no, it wasn't.**  
24 Q. Do you know when it was obtained?  
25 **A. I believe it was 2010.**

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1 Q. Did you contact them again in March 2011 at the time that  
2 the Nationwide contract was terminated?  
3 **A. Yes.**  
4 Q. Was that a contact, then, to sign a contract with them or to  
5 get further information about them?  
6 **A. I actually returned a phone call to have a business lunch,**  
7 **because one of their vice presidents happened to be in town.**  
8 Q. Did you have that lunch meeting with them, or was it  
9 yourself and someone else from Kelly?  
10 **A. Myself.**  
11 Q. When you say "one of their vice presidents," do you remember  
12 who that was?  
13 **A. Steve Lyle, L-y-l-e, I believe.**  
14 Q. Do you recall when you met with him?  
15 **A. It was either on the 18th or 21st of March 2011.**  
16 Q. What did you discuss at that meeting?  
17 **A. The fact that I had just been assigned to manage the campus**  
18 **security group.**  
19 MR. POTTER: I don't mean to interrupt you, but I  
20 need a break.  
21 (Brief pause was taken.)  
22 Q. (By Ms. Sharp) You were telling me that when you went to  
23 this business lunch with the VP of Whelan Security, you had  
24 just been assigned to manage the campus security?  
25 **A. Right.**

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1 Q. What else did you guys talk about?  
2 **A. Probably sports and weather.**  
3 Q. Was there anything else in relation to the campus security  
4 officers and Whelan Security and your position in global  
5 security?  
6 **A. Yes.**  
7 Q. Tell me about that.  
8 **A. The model for security services that we wanted or envisioned**  
9 **was different, for lack of a better word, than the typical**  
10 **staffing model that security services generally provide.**  
11 Q. What do you mean by the typical staffing model?  
12 **A. Generally, a security company will come in and take over a**  
13 **security operation, and it will be quote, unquote**  
14 **outsourced. That's not what we were looking for. We wanted**  
15 **a team of contract security people that simply augmented our**  
16 **full-time staff.**  
17 Q. Why did you want that rather than directly hiring  
18 individuals and training them and augmenting them into your  
19 current employees?  
20 **A. Well, Kelly Services is a staffing company.**  
21 Q. But Kelly also has direct-hire employees like yourself,  
22 right?  
23 **A. Right.**  
24 Q. And you need to have employees, security officers,  
25 patrolling the campus, working the monitors and doing things

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1 like that?  
2 **A. Right.**  
3 Q. Why not directly hire individuals to work at Kelly rather  
4 than contract and bring in these individuals that you can't  
5 select yourself?  
6 **A. Using contract security simply followed the model that was**  
7 **already in place.**  
8 Q. The model that was in place was more direct-hire individuals  
9 than contract employees, wasn't that the case?  
10 **A. Yes.**  
11 Q. Why go to a contract company at that time?  
12 At the time that you took over the campus  
13 security officers on what you are saying is March 18, 2011,  
14 there is approximately three contract employees through  
15 Nationwide?  
16 **A. Yes.**  
17 Q. And there was approximately how many direct-hire Kelly  
18 Services employees that were campus security officers?  
19 **A. Six or seven.**  
20 Q. Six plus three is nine, so two-thirds were direct hire. So  
21 the model was to have more direct-hire employees than  
22 contract employees at the time; isn't that right?  
23 **A. That's how the numbers worked out when I took over the**  
24 **group. I can't tell you what happened prior to.**  
25 Q. When you took over the group, the model at the time was to

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9 (Pages 30 to 33)

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1 have more direct-hire employees, and you were actually  
 2 changing the model, weren't you?  
 3 **A. No.**  
 4 Q. Why is this not a change from the current model?  
 5 **A. From March of 2011?**  
 6 Q. On March 18, 2011 there is a contract in place that's in the  
 7 process of being terminated with Nationwide security?  
 8 **A. Yes.**  
 9 Q. And now you are speaking to Whelan Security about bringing  
 10 in contract employees to augment with your direct-hire  
 11 employees; isn't that the case?  
 12 **A. Right. Basically, switching from Nationwide to another**  
 13 **service.**  
 14 Q. Why not seek out full-time employees to fill in the place of  
 15 Nationwide? Why go to Whelan Security?  
 16 **A. You are asking me why we didn't cancel the contract with**  
 17 **Nationwide and hire full-time employees?**  
 18 Q. Yes. Why not maintain the control yourself?  
 19 **A. The cost.**  
 20 Q. You felt the cost was --  
 21 **A. I didn't feel the cost.**  
 22 Q. From your position in global security, you felt the cost was  
 23 better to maintain contract employees for anything over the  
 24 five or six direct-hire campus security officers?  
 25 **A. I'd have to say no to that, because of the question.**

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1 campus security so we have control over them?  
 2 **A. No.**  
 3 Q. Was there ever a discussion between yourself and Mr.  
 4 Catalano regarding the cost of employees?  
 5 **A. Yes.**  
 6 Q. Were you of the understanding that it was cheaper to  
 7 maintain contract employees?  
 8 Where did you get the understanding that the cost  
 9 was cheaper to maintain contract employees, and that's why  
 10 he wanted to replace the Nationwide contract?  
 11 **A. Where did I get the idea?**  
 12 Q. Yes. Why do you have that understanding?  
 13 **A. Simple mathematics.**  
 14 **You might want to restate.**  
 15 Q. When you are saying the cost to get a new contract with what  
 16 ultimately is Whelan Security is cheaper than hiring direct  
 17 employees, is this because of a discussion between yourself  
 18 and Mr. Catalano?  
 19 **A. Yes, we had a discussion.**  
 20 Q. And this is when you are taking over the department on March  
 21 18, 2011?  
 22 **A. Actually, it was the 22nd, but thereabouts.**  
 23 Q. Was there ever a discussion about we need more security  
 24 officers, why don't we bring in more direct hires? Or it  
 25 was just known between yourself and him that it is cheaper

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1 Q. What do you mean by that?  
 2 **A. It wasn't my decision.**  
 3 Q. What was not your decision?  
 4 **A. Whether we had full-time Kelly employees and contract or all**  
 5 **contract or all full time.**  
 6 Q. Whose decision was it?  
 7 **A. I couldn't tell you.**  
 8 Q. Were you instructed to seek out contract employees for  
 9 anything over the five or six direct-hire employees that  
 10 there were when you took over the group on March 18, 2011?  
 11 **A. No.**  
 12 Q. Why did you seek out a new contract when Nationwide's was  
 13 canceled rather than get authority from someone to hire more  
 14 direct campus security officers?  
 15 **A. We wanted to end Nationwide's contract because of the**  
 16 **quality of the people they were sending us, and basically**  
 17 **replace that with a security service that had a better**  
 18 **program, better employees.**  
 19 Q. When you say "we," who is we?  
 20 **A. Thomas Catalano and myself.**  
 21 Q. The discussion to replace Nationwide was between yourself  
 22 and Tom Catalano?  
 23 **A. Yes.**  
 24 Q. Was there ever a discussion between yourself and Mr.  
 25 Catalano about why don't we hire more employees directly in

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1 to bring in contract employees?  
 2 **A. The budget wasn't going to increase. So bringing in**  
 3 **additional on either side would not have been appropriate.**  
 4 Q. When you are having this discussion with Mr. Catalano about  
 5 replacing the Nationwide contract, why don't you tell me  
 6 about how yourself and him came to the decision to replace  
 7 the Nationwide contract.  
 8 **A. Basically, because one of the security officers sent by**  
 9 **Nationwide ended up in prison.**  
 10 Q. I understand that. Then the idea was we are going to  
 11 replace the Nationwide contract.  
 12 Was there ever a discussion about the number of  
 13 security officers you wanted to obtain from the new  
 14 contract, whoever it would be? We know it ultimately ended  
 15 up being Whelan Security.  
 16 **A. No.**  
 17 Q. Was there a goal about how many officers you needed to  
 18 obtain from the new contract?  
 19 **A. No.**  
 20 Q. Was there a discussion about what their duties would be?  
 21 **A. Yes.**  
 22 Q. What were their duties going to be?  
 23 **A. They would maintain cognizance over the control room, where**  
 24 **our security cameras, security system and fire system are**  
 25 **located. They would patrol the campus. They would respond**

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10 (Pages 34 to 37)

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1 to emergencies that were within a security officer's  
2 purview.

3 Obviously, they don't have powers of arrest and  
4 whatnot. They weren't armed. So any major issue would be  
5 turned over to the police immediately.

6 Q. Are these the same duties as the Kelly Services campus  
7 security officers, which was directly hired by Kelly  
8 Services?

9 A. Yes.

10 Q. Why did you seek out to have additional officers via a  
11 contract? Was it that Kelly just needed more than what --

12 MR. POTTER: Object to form and foundation, that  
13 there were any additional officers brought on board when  
14 Whelan came in. You used the word additional.

15 Q. (By Ms. Sharp) Other than the campus security officers that  
16 Kelly had on its staff directly hired, why did Kelly need  
17 more officers than the five or six that it had on March 18,  
18 2011?

19 A. If I understand the question that you are asking, the campus  
20 security group is challenged with a 24/7 operation. The  
21 headquarters building and other buildings are occupied on a  
22 24/7 basis. In order to staff a 24/7 operation, you have to  
23 have a certain number of employees.

24 Q. In order to have enough employees to staff it on a 24/7  
25 operation, is this more than five or six campus security

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1 paperwork, taking Dan from a KTE position to a full-time  
2 position. So he transitioned from contracted to temporary  
3 and then temporary to full time.

4 MR. POTTER: KTE is Kelly temporary employee.

5 MS. SHARP: I caught that.

6 Q. (By Ms. Sharp) When you say you assisted Steve Davis with  
7 "the routing issue," you assisted him in the paperwork?

8 A. Yes.

9 Q. Did you at all have any involvement in the decision to hire  
10 him?

11 A. Yes.

12 Q. How was that?

13 If it was in January 2011, as you have explained  
14 to me before, you were not the supervisor over the campus  
15 security officers?

16 A. Right.

17 Q. In the tree, you were not a direct supervisor over Mr. Davis  
18 at that time?

19 A. Correct.

20 It's more of a shrub.

21 Q. Shrub works for me.

22 At that time, Mr. Davis would have been the  
23 direct supervisor over the campus security officers. So if  
24 I understand this correctly, it would have been his decision  
25 over which campus security officers to hire into his group.

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1 officers?

2 A. Yes.

3 Q. So at some point prior to you taking over the campus  
4 security group, was a determination made that a contract  
5 would be obtained in order to have enough security officers  
6 around the clock, 24/7, always at Kelly Services?

7 Do you know what I am asking you?

8 A. Kind of. We always had a contract.

9 Q. So you always had a contract in order to maintain campus  
10 security officers at Kelly Services 24/7?

11 A. Yes.

12 Q. So in order to have a population of security officers over  
13 and above the ones directly hired by Kelly Services?

14 A. Yes.

15 Q. Were you involved at all in the decision to directly hire  
16 Dan Tomica to Kelly Services in January 2011?

17 A. Yes.

18 Q. What was your involvement in that?

19 A. Dan Tomica had been a contract security officer with  
20 Nationwide. He was then transitioned into a Kelly temporary  
21 employee role. He was the first what we call a KTE in the  
22 security organization.

23 In order to get that approved, I assisted Steve  
24 Davis with the routing issue through the Detroit territory  
25 management and our risk department. I assisted him with the

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1 Does that make sense to you?

2 A. Yes.

3 Q. How is it that you had decision-making authority over the  
4 decision to hire Mr. Tomica in January 2011?

5 MR. POTTER: Object to form and foundation. I  
6 don't think he said he had decision-making authority.  
7 Whatever he said he said, so I will object to your  
8 question.

9 Go ahead and answer.

10 Q. (By Ms. Sharp) You can answer the question.

11 A. I didn't have that authority.

12 Q. How were you involved in the decision to hire Mr. Tomica in  
13 January 2011?

14 A. Steve Davis asked me for assistance with the administrative  
15 process, and I didn't object to what he was asking me to do.

16 Q. So he asked you for assistance with documents?

17 A. Right.

18 Q. And you assisted him in completing the documents and, as I  
19 would assume, having them completed on the computer and  
20 submitting them through the Kelly system?

21 A. Yes and no.

22 Q. I would assume, nowadays, all documents, especially in a  
23 company like Kelly, are submitted on a computer.

24 A. I wouldn't assume that.

25 Q. So you assisted him in the paperwork?

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11 (Pages 38 to 41)



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1 A. Yes.  
2 Q. Other than that, did he ever come to you and ask you should  
3 I hire Dan Tomica?  
4 A. No.  
5 Q. At any point, did you ever give your opinion on whether or  
6 not he should hire Dan Tomica?  
7 A. Yes.  
8 Q. When did that occur?  
9 A. That would have been when I was assisting him with the  
10 administrative process.  
11 Q. And you did give him your opinion during that paperwork?  
12 A. Yes.  
13 Q. Had he already completed the paperwork at that point, when  
14 you were giving him your opinion?  
15 A. No.  
16 Q. It was blank paperwork, and you were actually helping him  
17 with it?  
18 A. Yes. He didn't know what to do.  
19 You have to backup a step, because we are still  
20 talking transitioning a KTE to full time in a security role,  
21 which hadn't been done. It was a new process. Nothing had  
22 been done at all.  
23 Q. When he is a KTE and you are assisting him in completing the  
24 paperwork in order to make Mr. Tomica full-time, was this an  
25 actual conversation between you and Mr. Davis?

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1 A. Yes.  
2 Q. Do you recall when this was?  
3 A. No.  
4 Q. Approximately?  
5 A. December of 2010.  
6 Q. Tell me about the conversation.  
7 A. To take a step back, when Davis had come to me and asked  
8 about bringing Tomica on board as a KTE, which, as I said,  
9 had never been done before in the security realm, Steven  
10 didn't know how to handle the discussions, the  
11 administrative process dealing with the Detroit region, who  
12 would basically be in charge of Tomica administratively, not  
13 operationally.  
14 So Steven asked me to help him, and at that time  
15 I did, with that process. And when he wanted to take Dan  
16 from a temporary employee to a full-time, he asked me again  
17 to assist.  
18 Q. At any time did you voice your opinion, other than assisting  
19 him with the administrative process, about his decision to  
20 hire Mr. Tomica?  
21 A. Yes.  
22 Q. Tell me what that opinion was.  
23 A. On both occasions, when we brought him from contract to KTE  
24 and then KTE to full time, I was in favor of bringing him on  
25 board in both of those positions.

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1 Q. This was an actual conversation with Mr. Davis?  
2 A. Yes.  
3 Q. You told this to him out loud?  
4 A. Yes.  
5 Q. Do you recall exactly what you said to him?  
6 A. No.  
7 Q. Why were you in favor of bringing him on board?  
8 A. From my interactions with him, he seemed like a good fit.  
9 He was a better security officer than the one that went to  
10 prison and a few others that had fallen asleep, come in  
11 late, left early, things of that nature.  
12 Q. Is it my understanding, then, from your testimony that, as  
13 far as you know, none of the contract employees had ever  
14 transitioned to a KTE in the past?  
15 A. They had not.  
16 Q. So Kelly had never asked a contract employee to come on as  
17 either a temporary or a full-time employee in the past?  
18 MR. POTTER: In a security officer role.  
19 Q. (By Ms. Sharp) In a security officer role.  
20 A. That I cannot answer.  
21 Q. You cannot answer because you don't know it, or you cannot  
22 answer because --  
23 A. It's a poorly-worded question.  
24 Q. What I am wondering is, do you know if Kelly had ever  
25 transitioned a contract employee in a security officer

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1 position to, as you term it, a KTE prior to Mr. Tomica?  
2 A. They had not.  
3 Q. Had Kelly ever transitioned a contract employee in a  
4 security officer position to a full-time position?  
5 A. I don't know that one.  
6 Q. Again, prior to Mr. Tomica?  
7 A. Right.  
8 Q. In December 2010, when the decision was made to transition  
9 Mr. Tomica from contract to KTE, do you know why that was  
10 done?  
11 A. Yes.  
12 Q. Why?  
13 A. The head count at the time was not sufficient to properly  
14 manage the security operation.  
15 Q. Was there a target head count?  
16 A. No. There were members of the full-time staff, who were on  
17 medical leave.  
18 Q. Why not just maintain him at contract in order to maintain  
19 the head count for full-time positions and contract?  
20 A. I don't know.  
21 Q. Was that a decision that was made by Mr. Davis?  
22 A. I don't know.  
23 Q. Do you know who did make the decision?  
24 A. No.  
25 Q. Prior to you beginning direct supervision of the campus

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12 (Pages 42 to 45)



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1 security officers in March 2011, in your position in global  
2 security, what kind of day-to-day interactions did you have  
3 with the campus security officers?  
4 **A. I would obviously speak with them as they walked through the**  
5 **lobby. They maintained the security desk. I'd go in the**  
6 **control room and say hello, discussions about the weather**  
7 **and sports and what have you.**  
8 **If there was an issue on campus, we would be**  
9 **notified by them, if there was a need for an investigation.**  
10 **They would pass along phone calls that came in regarding**  
11 **issues from our branch offices. Basically that.**  
12 Q. So is it fair to say you interacted with the security  
13 officers on a daily basis?  
14 **A. No.**  
15 Q. Weekly?  
16 **A. Yes.**  
17 Q. Did you go in the control room on at least a weekly basis?  
18 **A. Yes.**  
19 Q. And you had regular access in your position?  
20 **A. Right.**  
21 Q. You didn't have to ask permission or anything like that?  
22 **A. No. Everyone in global security has that permission.**  
23 Q. As far as giving them direction and things like that, do you  
24 think you did that on a weekly basis? Monthly basis?  
25 How often would that occur?

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1 on March 16, 2011, at approximately two o'clock in the  
2 afternoon?  
3 **A. Yes.**  
4 Q. In the control room is a series of TV monitors, which shows  
5 various things on the Kelly campus?  
6 **A. Right.**  
7 Q. At that time, did you point him to a female who had just  
8 exited what you guys called the Lindsey Building?  
9 **A. The Lindsey Center.**  
10 Q. The Lindsay Center?  
11 **A. No.**  
12 Q. Not the Lindsey Center?  
13 MR. POTTER: No, he did not point to the woman,  
14 is the way he is answering.  
15 MS. SHARP: I am sure he will tell me if that's  
16 not the right answer.  
17 MR. POTTER: I'm going to tell you if the record,  
18 I think, is ambiguous. That's my job, so I pointed that  
19 out.  
20 But go ahead.  
21 Q. (By Ms. Sharp) You are in the control room with Mr.  
22 Isotalo?  
23 **A. Yes.**  
24 Q. Did you point to a monitor in which a female had just exited  
25 the Lindsey Center Building?

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1 **A. It was quite rare. I wouldn't even say it was monthly.**  
2 Q. If you needed to give a security officer direction in  
3 regards to an investigation, would it normally be the case  
4 that you would go through Mr. Davis, or would you meet with  
5 them directly and provide them direction?  
6 **A. Either/or.**  
7 Q. So it didn't matter? You wouldn't feel the need to go  
8 through Mr. Davis?  
9 **A. No.**  
10 Q. I am going to take you to March 16, 2011.  
11 **A. Okay.**  
12 Q. Do you recall being in the security or control room that day  
13 with Mr. Isotalo?  
14 **A. Yes.**  
15 Q. Do you recall approximately two o'clock in the afternoon?  
16 **A. Thereabouts, yes.**  
17 Q. Do you recall at approximately two o'clock in the afternoon  
18 that day you asked Mr. Isotalo to go and obtain the license  
19 plate of a Kelly employee?  
20 **A. The license plate of a vehicle.**  
21 Q. The license plate of a vehicle of a Kelly employee?  
22 **A. Again the question.**  
23 Q. You don't like the question.  
24 **A. No.**  
25 Q. Let's backup. You were in the control room with Mr. Isotalo

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1 **A. No.**  
2 Q. Did you at all point out anything on a monitor to him  
3 regarding the Lindsey Center Building?  
4 **A. Yes.**  
5 Q. What did you point to on the monitor and call to Mr.  
6 Isotalo's attention?  
7 **A. The fact that we had a view of the front door.**  
8 Q. A view of the Lindsey Center front door?  
9 **A. Which is the north door, yes. We call it the front door.**  
10 Q. You generally always have a view of the Lindsey Center front  
11 door?  
12 **A. No.**  
13 Q. Why not?  
14 **A. The cameras move. So if the camera is moved, it is not on**  
15 **the north door.**  
16 Q. Did you point to anything in particular when you had a view  
17 of the Lindsey Center front door?  
18 **A. No, because it is not a very good view.**  
19 Q. When you pointed to the Lindsey Center front door on the  
20 north view, was there anything on that screen in particular  
21 you pointed out to him?  
22 **A. No.**  
23 Q. Was there anything else that was in particular about the  
24 fact that you could see the Lindsey Center front door?  
25 **A. No.**

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13 (Pages 46 to 49)

PAUL NICHOLAS WHELAN  
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1 Q. Why did you point that out to him?  
2 **A. I wanted to see if we could, from the control room, use the**  
3 **cameras to watch somebody walk out the front door and**  
4 **approach a vehicle.**  
5 Q. Were you looking for anybody in particular?  
6 **A. Yes.**  
7 Q. Who were you looking for?  
8 MR. POTTER: Just use the initials.  
9 **A. TW.**  
10 Q. (By Ms. Sharp) And did you explain that to him?  
11 **A. Yes.**  
12 Q. Did you tell him why?  
13 **A. Yes.**  
14 Q. What did you tell him?  
15 **A. She was involved in a federal investigation, law enforcement**  
16 **was on our premises, they wanted to follow her as she left**  
17 **work, they didn't know which vehicle she was driving and**  
18 **they had asked us to secure a license plate.**  
19 Q. Is that exactly what you told him?  
20 **A. In specific words?**  
21 Q. Is that exactly what you recall telling him?  
22 **A. In those specific words, is that what you are asking?**  
23 Q. Yes. Is that exactly what you recall telling him?  
24 **A. Maybe not those specific words.**  
25 Q. You told him that TW was involved in a federal

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1 **agent, it means a member of the DEA task force who has**  
2 **assumed the role of an agent.**  
3 Q. I was going to ask that, but you made that easier.  
4 Was this not necessarily a member of the DEA, but  
5 a member of law enforcement who called you?  
6 **A. No.**  
7 Q. Who called you?  
8 **A. A DEA agent.**  
9 Q. Was he actually a member of the DEA, or was he a member of a  
10 local police force? Clinton Township? Troy? Something  
11 like that?  
12 **A. I believe he is an actual DEA agent.**  
13 Q. Do you recall his name?  
14 **A. I do.**  
15 Q. What is his name?  
16 THE WITNESS: Do I have to provide that?  
17 Q. It's public record.  
18 MR. POTTER: Yes, you have to provide that.  
19 **A. JD.**  
20 Q. (By Ms. Sharp) And he called you and identified himself by  
21 his first name?  
22 **A. Yes. My concern is that he works undercover.**  
23 **(Discussion held off the record.)**  
24 Q. (By Ms. Sharp) JD called you, and upon him using his name,  
25 you knew who he was and where he worked?

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1 investigation?  
2 **A. Yes.**  
3 Q. And that law enforcement was on your premises?  
4 **A. I might have said DEA as opposed to law enforcement or**  
5 **federal agents.**  
6 Q. And you told him that they wanted to follow her as she left  
7 work and wanted us to secure her license plate?  
8 **A. Yes.**  
9 Q. And you are sure that you told him that DEA or federal  
10 agents was on our premises?  
11 **A. Yes. Specifically because of what we were trying to do.**  
12 **They were there waiting for her to leave.**  
13 Q. Now, how did you learn that they were there?  
14 **A. A DEA agent phoned me and told me.**  
15 Q. When?  
16 **A. Earlier the same day.**  
17 Q. March 16th?  
18 **A. Yes.**  
19 Q. How do you know it was DEA?  
20 **A. Prior association.**  
21 Q. And you've met or conversed with him in the past?  
22 **A. Yes.**  
23 Q. So when he called up and said, for example, I am John Smith,  
24 you knew who he was?  
25 **A. Yes. And let me just clarify, for the purposes of DEA**

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1 **A. Yes.**  
2 Q. You didn't have to say, oh, please identify yourself? Send  
3 me your information? Those kinds of things?  
4 **A. No.**  
5 Q. Because you have worked with him in the past?  
6 **A. Yes.**  
7 Q. And what did he tell you when he called you?  
8 **A. On March 16th when he called me, he said that the DEA had**  
9 **raided a house where TW lives, belonging to a boyfriend, and**  
10 **they had confiscated property, including vehicles, from that**  
11 **residence.**  
12 Q. Do you know why he chose to call you?  
13 MR. POTTER: I don't know if he was done.  
14 Is that everything he told you?  
15 THE WITNESS: Yes.  
16 MR. POTTER: I'm sorry. Thanks.  
17 Q. (By Ms. Sharp) Do you know why he chose to call you?  
18 **A. Yes.**  
19 Q. Why?  
20 **A. TW works for Kelly Services.**  
21 Q. And that makes sense that she works at Kelly Services. But,  
22 obviously, there are lots of other people who work at Kelly  
23 Services.  
24 Do you know if he selected to call you because he  
25 knew you from prior association?

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14 (Pages 50 to 53)

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1 He could have called any number of people in  
2 campus security at Kelly.  
3 MR. POTTER: Object to foundation. He wouldn't  
4 know why.  
5 But go ahead and answer, if you do.  
6 **A. Prior association.**  
7 Q. (By Ms. Sharp) He knew you from prior association and that  
8 you worked in global security at Kelly?  
9 **A. Yes.**  
10 Q. He said he told you this. What else did he tell you in that  
11 phone call?  
12 **A. That TW was under investigation for potential controlled**  
13 **substances act violations, income tax violations and other**  
14 **federal violations.**  
15 Q. Did he tell you anything else in regard to TW and Kelly?  
16 **A. No.**  
17 Q. Did he tell you that they were surveilling her?  
18 **A. Yes. But that doesn't really have anything to do with**  
19 **Kelly.**  
20 Q. He told you that in that same phone call?  
21 **A. Yes.**  
22 Q. Tell me everything he told you in the phone call.  
23 **A. That TW was under investigation. The DEA had raided the**  
24 **house she lives in with her boyfriend. They had confiscated**  
25 **property, including vehicles.**

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1 **A. No. I had personal knowledge of her.**  
2 Q. You already had personal knowledge of her?  
3 **A. Yes.**  
4 Q. There are a lot of employees who work at the Kelly campus,  
5 aren't there?  
6 **A. There are.**  
7 Q. Hundreds, actually?  
8 **A. Thousands.**  
9 Q. How did you have personal knowledge of her?  
10 **A. She works in IT, and for two years I sat next to her.**  
11 Q. A coincidence, isn't there, that he is calling you about her  
12 and you happened to sit next to her for two years?  
13 **A. Could be.**  
14 Q. So you knew her and which building she worked in already, so  
15 you didn't have to look her up or check into her or  
16 anything?  
17 **A. Exactly.**  
18 Q. Did you know what car she already drove on a daily basis?  
19 **A. No.**  
20 Q. So you would have had to do some investigation into that?  
21 **A. Yes.**  
22 Q. You would have had to have someone follow her or observe her  
23 getting into a car, obtain the license plate and then  
24 provide that to him?  
25 **A. To the DEA agent?**

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1 **The DEA/police/task force was in our parking**  
2 **lot. They wanted to follow her, and they wanted to know**  
3 **what vehicle she was using, if she was using a vehicle, or**  
4 **if she was being picked up, dropped off, et cetera.**  
5 Q. So he told you that they were already in your parking lot  
6 that day on March 16th?  
7 **A. Yes.**  
8 Q. What time of day did this phone call come in?  
9 **A. It would have been between 10:00 A.M. and 2:00 P.M.**  
10 Q. Where were you when you received this phone call?  
11 **A. My desk.**  
12 Q. Was this on a Kelly phone or a cell phone?  
13 **A. I don't know.**  
14 Q. Once you received this phone call, what did you do?  
15 **A. Apart from leaving my workstation, I went to the control**  
16 **room, if that's what you mean.**  
17 Q. I don't know what you would have done afterward, so I don't  
18 mean anything.  
19 Once you received this phone call, was it, then,  
20 your intention to go try and find out what vehicle she was  
21 driving?  
22 **A. No.**  
23 Q. Did you already know what Kelly employee this was, or did  
24 you have to look her up to find out which building she  
25 worked in?

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1 Q. Yes.  
2 **A. Yes.**  
3 Q. When he told you all of this, did you tell him that you  
4 would assist him in obtaining a license plate?  
5 **A. Yes.**  
6 Q. Was there any other conversation with the DEA agent that  
7 morning?  
8 MR. POTTER: I am going to object to form,  
9 because he said between 10:00 and 2:00. You said morning.  
10 I will object to form, but go ahead.  
11 **A. No.**  
12 Q. (By Ms. Sharp) He told you all the things you described to  
13 me, you told him that you would help and you would try and  
14 obtain the license plate. Was there anything else that you  
15 and he discussed?  
16 **A. That morning?**  
17 Q. Or afternoon. The phone call came in between 10:00 and 2:00  
18 you said.  
19 **A. Yes.**  
20 Q. Did you discuss anything else with him?  
21 **A. Yes.**  
22 Q. What else did you discuss?  
23 **A. His first call was basically to tell me what they had done**  
24 **and ask for my assistance. He made a second call to say --**  
25 **actually, I think I made a call to him.**

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15 (Pages 54 to 57)

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1 Q. Let's focus on the first call right now. It is some time  
2 between 10:00 A.M. and 2:00 P.M.  
3 Besides everything you have described to me so  
4 far, did he tell you anything else?  
5 **A. Not in that phone call, no.**  
6 Q. And you told him, yes, I will try and get the license plate?  
7 **A. Right.**  
8 Q. Did you tell him anything else?  
9 **A. I think that she normally leaves at 4:30 to 5:00 P.M.**  
10 Q. And you knew that because you sat next to her for two years  
11 working, and you knew which department she worked in?  
12 **A. No.**  
13 Q. How did you know that?  
14 **A. The standard Kelly day is 8:30 to 5:00, so most people leave**  
15 **at 5:00.**  
16 Q. Did you tell him anything else?  
17 **A. I don't know.**  
18 Q. Did he say anything about how many officers would be in your  
19 parking lot?  
20 **A. No.**  
21 Q. Did he say anything about what cars they would be driving?  
22 **A. No.**  
23 Q. Did he say anything that he, himself, would be there?  
24 **A. They were undercover, so they weren't in any kind of marked**  
25 **vehicle.**

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1 **asked about whether TW worked for us, what information we**  
2 **had on her and things of that nature.**  
3 Q. Any other prior association with him in particular?  
4 **A. I don't know.**  
5 Q. So in the past he called you about TW, introduced himself to  
6 you so you knew which agency he worked for, that he was an  
7 undercover agent surveilling her and he needed information  
8 about her employment with Kelly?  
9 **A. Yes.**  
10 Q. So that's your only prior association with him?  
11 MR. POTTER: Well, objection. He just said, I  
12 don't know.  
13 **A. We interact with these people at meetings and seminars and**  
14 **conferences, and it's quite possible that I had met him on**  
15 **numerous occasions and just did not remember.**  
16 Q. (By Ms. Sharp) Do you know if you ever met him on any  
17 occasion prior?  
18 **A. I don't recall.**  
19 Q. After this call between 10:00 A.M. and 2:00 P.M., did you go  
20 directly to the control room to try and see if you could see  
21 the Lindsey Center entrance and exit?  
22 **A. I don't know.**  
23 Q. How long after you received this call from him did you go to  
24 the control room?  
25 **A. I am sure it was within 20 to 30 minutes.**

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1 Q. Did he tell you that, or did you know that?  
2 **A. I knew that.**  
3 Q. How did you know that?  
4 **A. Because they are undercover officers.**  
5 Q. Did he say they are going to be undercover, or you just  
6 assumed that because they were surveilling her?  
7 **A. I know them to be undercover officers who surveil in**  
8 **unmarked cars out of uniform.**  
9 Q. And that's because you had a prior association with this  
10 person?  
11 **A. Yes.**  
12 Q. What is your prior association with him?  
13 **A. Kelly Services is a global company, and we work with federal**  
14 **agencies all the time, whether it is OSAC or the LEGATT at**  
15 **the foreign embassies, or we work with HUD or DEA, FBI, ATF,**  
16 **whomever in the United States. We work with federal**  
17 **agencies in Canada and what have you all over the place.**  
18 **So we come in contact with federal agencies and**  
19 **officers all the time.**  
20 Q. Has this person conducted surveillance on your campus in the  
21 past?  
22 **A. I don't know.**  
23 Q. I understand that Kelly comes in contact with all sorts of  
24 agencies. What is your association with this individual?  
25 **A. He had called me prior to the March 16th call and he had**

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1 Q. Was it the next thing you did after receiving this call from  
2 him?  
3 **A. I don't know.**  
4 Q. Is it fair to say that it was shortly thereafter?  
5 When you are saying 20 to 30 minutes, it would  
6 have been the next thing on your list of things to do?  
7 **A. Yes.**  
8 Q. The next thing that you did, then, is you are in the control  
9 room with Mr. Isotalo. Is there anybody else in the control  
10 room that you can recall?  
11 **A. There was not.**  
12 Q. So it's you and Mr. Isotalo, and you point out the Lindsey  
13 Center front door north view. Do you see anybody enter or  
14 exit while you are viewing that screen?  
15 **A. I don't know.**  
16 Q. You don't recall if you see anybody enter or exit while you  
17 are looking at that monitor?  
18 **A. People go in and out of that door, deliveries. I don't know**  
19 **if anybody did or not when we were looking at it.**  
20 Q. You tell him that they wanted to follow TW as she left work  
21 and wanted to secure a license plate. Do you give him any  
22 instruction at that time?  
23 MR. POTTER: Objection. You are  
24 mischaracterizing. He previously said more than that.  
25 You can go ahead and answer the question.

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16 (Pages 58 to 61)



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1 **A. Yes, I did.**  
2 Q. (By Ms. Sharp) What did you tell him in addition to what I  
3 just described to you?  
4 MR. POTTER: Objection. Asked and answered.  
5 Go ahead.  
6 **A. I told him to take our vehicle, the security vehicle -- let**  
7 **me backup. I asked him if he knew who TW was. He said he**  
8 **did.**  
9 **So I asked him to take the security vehicle, to**  
10 **go to the Lindsey Center, to park so that he could see the**  
11 **north door that we couldn't see with the camera and observe**  
12 **the parking lot, as our security officers normally do, to**  
13 **watch as she left and to document the license plate of**  
14 **whichever car she got into, whether it was a parked vehicle**  
15 **or a vehicle that picked her up.**  
16 **I asked him to do that in the afternoon at about**  
17 **that time frame.**  
18 Q. (By Ms. Sharp) So it is approximately two o'clock in the  
19 afternoon when you are in the control room with Mr. Isotalo?  
20 **A. Roughly, yes.**  
21 Q. Did you give him a specific time frame when you wanted him  
22 to do this?  
23 **A. Yes.**  
24 Q. What time frame did you tell him to do this during?  
25 **A. It would have been before 3:00 P.M.**

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1 **A. Correct.**  
2 Q. Why would you have him observe her between 2:00 P.M. and  
3 3:00 P.M.?  
4 **A. Her manager called me and said that she requested to leave**  
5 **early for a personal matter. So instead of the afternoon**  
6 **shift handling this issue, the day shift was going to handle**  
7 **it.**  
8 Q. When did her manager call you?  
9 **A. It would have been between probably 2:00 and 2:15 or 2:20.**  
10 **Between the time that I spoke to JD and went to the control**  
11 **room.**  
12 Q. So if you are in the control room at approximately two  
13 o'clock with Mr. Isotalo, is it fair to say that this phone  
14 call from the DEA agent came in just some time before two  
15 o'clock?  
16 **A. I am not sure that I was in the control room at two**  
17 **o'clock. I think I said that I was there after two o'clock.**  
18 Q. You are telling me that TW's manager called you and alerted  
19 you that she had requested to leave early for a personal  
20 issue?  
21 **A. Yes.**  
22 Q. As you have testified to, there are thousands of employees  
23 at Kelly?  
24 **A. Yes.**  
25 Q. I doubt that all of their managers call you and tell you

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1 Q. So you are telling him to go do it at 3:00 P.M.?  
2 **A. No. Before 3:00 P.M.**  
3 Q. You are telling him to drive over to the Lindsey Center and  
4 park where he can see the north door, but where he cannot be  
5 seen, then observe her as she leaves the Lindsey Center and  
6 copy down the license plate of the car that she gets into,  
7 whether she is picked up or whether it's a car that she is  
8 driving, and do this beginning at 3:00 P.M.?  
9 **A. No.**  
10 Q. How does 3:00 P.M. relate to the instruction that you  
11 provided?  
12 **A. Since she was working day shift, she got off duty at 3:00**  
13 **P.M., so it had to occur before 3:00 P.M.**  
14 Q. So if you are in the control room with him at 2:00 P.M., do  
15 you want him to then leave right after you provide  
16 instruction?  
17 **A. Yes.**  
18 Q. So you want him to do this between 2:00 P.M. and 3:00 P.M.?  
19 **A. Yes.**  
20 Q. You told the DEA agent, JD, that she is going to leave work  
21 between approximately 4:30 and 5:00 P.M. is your  
22 expectation?  
23 **A. Right.**  
24 Q. If he is sitting in the car between 2:00 P.M. and 3:00 P.M.,  
25 most likely she is not going to leave the building, is she?

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1 when their employees are leaving early, do they?  
2 **A. Only the ones under federal investigation.**  
3 Q. How would her manager know that she was under federal  
4 investigation?  
5 **A. Her and I had a discussion.**  
6 Q. The manager?  
7 **A. Yes.**  
8 Q. When did this discussion occur?  
9 **A. When JD had first informed me of the investigation, because**  
10 **of her job, Tom Catalano, this manager and I discussed**  
11 **whether or not we should leave her in her role.**  
12 Q. In IT?  
13 **A. Yes.**  
14 Q. When did this first phone call come in from JD?  
15 **A. I don't know.**  
16 Q. Two weeks? One month?  
17 **A. Within days.**  
18 Q. Days before March 16th?  
19 **A. Yes.**  
20 Q. A couple of days before March 16 you received a phone call  
21 from JD advising you that she is under federal  
22 investigation?  
23 MR. POTTER: I will object to form. He said  
24 within days. You said "a couple."  
25 Object to form. Go ahead.

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17 (Pages 62 to 65)



PAUL NICHOLAS WHELAN  
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1 **A. Yes.**  
2 MS. SHARP: I am going to take about a  
3 five-minute break.  
4 (Brief pause was taken.)  
5 Q. (By Ms. Sharp) You were telling me that TW's manager called  
6 and said that she requested to leave early for a personal  
7 issue?  
8 **A. Yes.**  
9 Q. The reason that this manager called you is because the  
10 manager knew she was under federal investigation?  
11 **A. Yes.**  
12 Q. Was the manager under any special instruction or anything to  
13 alert you as to TW's comings and goings?  
14 **A. Yes. And if she was acting abnormally or if there was**  
15 **anything within her demeanor that could be a concern based**  
16 **on the position she has in IT.**  
17 Q. Did you receive any other calls from this manager between  
18 the time that you received the initial call from JD saying  
19 that she was under federal investigation and March 16th?  
20 **A. We had several conversations.**  
21 Q. Regarding TW?  
22 **A. Yes.**  
23 Q. Her coming, going, acting abnormally and what else?  
24 **A. And job description, what she had access to and what she**  
25 **didn't.**

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1 **A. Yes.**  
2 Q. But if you hadn't received that call, you wouldn't have  
3 known otherwise?  
4 **A. That the house was raided?**  
5 Q. Yes.  
6 **A. Those sort of things are on the news.**  
7 Q. Was it on the news?  
8 **A. I don't know.**  
9 Q. Do you remember learning from the news -- you are sitting  
10 and watching the Nightly News and you say, oh, they know  
11 TW's house was raided, and you think that was one of my  
12 Kelly employees that I know?  
13 **A. No, that didn't occur.**  
14 Q. You didn't learn that TW's house was raided from the news,  
15 you learn from JD's phone call?  
16 **A. Yes.**  
17 Q. Did you relay this information to TW's manager?  
18 **A. Yes.**  
19 Q. After JD called you, you also called TW's manager and said,  
20 in addition to finding out she is under federal  
21 investigation, I just learned that her house was raided last  
22 night?  
23 **A. Yes.**  
24 Q. So the manager also knew that her house had been raided?  
25 **A. Yes.**

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1 Q. Was there any other day that you were told that she had left  
2 early?  
3 **A. I don't know.**  
4 Q. You don't know, or you don't recall?  
5 **A. I don't know.**  
6 Q. From the first day that JD told you that she was under  
7 federal investigation, were you monitoring her activities?  
8 **A. No.**  
9 Q. Was this manager under instruction to report to you her  
10 activities?  
11 **A. Only an activity that would be alarming or that would be out**  
12 **of the norm. Prior to the day or I guess the night when the**  
13 **DEA had their raid, there was nothing untoward in her**  
14 **behavior.**  
15 **She didn't know she was under investigation at**  
16 **that point. So only knew she was under investigation after**  
17 **they raided her house.**  
18 Q. Did the manager know that her house had been raided?  
19 **A. On the 16th, yes.**  
20 Q. On the 16th you received a call from JD that her house had  
21 been raided the night before.  
22 When we say "her house," it is the house she had  
23 been residing in with her boyfriend?  
24 **A. Yes.**  
25 Q. You received a call from JD that her house had been raided?

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1 Q. Was this phone call to her manager before or after you went  
2 to the control room?  
3 **A. Before.**  
4 Q. Before you went to the control room, you also called her  
5 manager?  
6 **A. Yes. And the point of that was to find out what shift she**  
7 **was working, and when she would be leaving at the end of the**  
8 **day.**  
9 Q. Was this so that you knew when she would be leaving so that  
10 you could try and obtain the license plate?  
11 **A. Yes.**  
12 Q. Tell me about the phone call with the manager.  
13 MR. POTTER: Object to form. He just did, but go  
14 ahead.  
15 Q. (By Ms. Sharp) The point of the phone call was to find out  
16 what shift she was working and when she would be leaving at  
17 the end of the day?  
18 **A. Yes.**  
19 Q. Was there anything else discussed in the phone call?  
20 **A. Only the manner in which she was behaving, whether it was**  
21 **normal or not, which was normal, apart from the fact that**  
22 **she wanted to leave early.**  
23 Q. So the manager told you that she was behaving normally. She  
24 had already told the manager she wanted to leave early?  
25 **A. Yes.**

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18 (Pages 66 to 69)

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1 Q. Did she tell the manager what time?  
2 **A. Yes. That it would have been before three o'clock.**  
3 Q. He told you that she wanted to leave before three o'clock?  
4 **A. She did, yeah. The manager is a female.**  
5 Q. So when we are saying he, the manager is actually a she that  
6 we have been referring to.  
7 MR. POTTER: I don't think he ever said he before  
8 that one.  
9 MS. SHARP: I may have.  
10 MR. POTTER: Go ahead.  
11 **A. TW's manager is a female.**  
12 Q. (By Ms. Sharp) The manager we're referring to is a female?  
13 **A. Right.**  
14 Q. She told you that TW had told her that TW wanted to leave  
15 before 3:00 P.M.?  
16 **A. Right.**  
17 Q. And TW had been behaving normally that day?  
18 **A. Yes.**  
19 Q. And you told the manager that you were trying to find out if  
20 she was working her normal shift?  
21 **A. Right.**  
22 Q. Anything else discussed during that phone call?  
23 **A. No.**  
24 Q. Did you tell the manager that you would be having someone  
25 surveil her to obtain her license plate?

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1 **A. Yes.**  
2 Q. Did you tell the manager anything else?  
3 **A. No.**  
4 Q. Just so we are clear, when you were in the control room, you  
5 had the information that TW would be leaving early because  
6 of the phone call with the manager, and that TW intended to  
7 leave some time before 3:00 P.M.?  
8 **A. Yes.**  
9 Q. And you relayed this to Mr. Isotalo?  
10 **A. Yes.**  
11 Q. And you asked him to go to the Lindsey Center, park as to  
12 see the north door, but without the persons exiting the  
13 north door seeing him?  
14 **A. No. I didn't mind how conspicuous or not conspicuous he**  
15 **was.**  
16 Q. Why not?  
17 **A. Because our security officers are in an unmarked vehicle,**  
18 **and they routinely sit in the parking lots. It is actually**  
19 **better that they are high visibility than low visibility.**  
20 Q. So whether he is seen or not doesn't matter, because the  
21 Kelly employees regularly see them. So it wouldn't be out  
22 of the ordinary for a Kelly employee to see him sitting in  
23 the parking lot?  
24 **A. Right. And that's why I couldn't do it, because if they had**  
25 **seen me sitting in the parking lot, it would be extremely**

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1 **strange.**  
2 Q. So it didn't matter where he sat?  
3 **A. No.**  
4 Q. And you wanted him to watch as TW left the Lindsey Center  
5 and document her license plate, whether it was her car or  
6 any other car which picked her up?  
7 **A. Right.**  
8 Q. Any other instruction which you provided him in relation to  
9 TW?  
10 MR. POTTER: I am just going to object, because  
11 he gave you prior testimony in this deposition where he gave  
12 other information to Mr. Isotalo.  
13 I will just object that it has been asked and  
14 answered.  
15 Go ahead and answer.  
16 **A. Only to stay in the vehicle and then to report the**  
17 **information that I had requested back to me.**  
18 Q. (By Ms. Sharp) Did you give him a timeline as to when that  
19 information had to be reported back to you?  
20 **A. As soon as possible, because the DEA agents were in the lot**  
21 **and they wanted to surveil her, and that information had to**  
22 **be passed from one to another quickly so they could follow**  
23 **her out of the parking lot.**  
24 Q. You told him specifically to stay in the vehicle and pass  
25 the information to you ASAP so the DEA had it as soon as

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1 possible?  
2 **A. Yes.**  
3 Q. You are sure you told him that before he left the control  
4 room?  
5 **A. Yes.**  
6 Q. Do you know if he, then, went to sit in the Lindsey Center  
7 parking lot to observe her?  
8 **A. He did leave, yes.**  
9 Q. And you observed him leave the control room?  
10 **A. Yes.**  
11 Q. Could you monitor him on the cameras which are in the  
12 control room and see if he sat in the Lindsey Center parking  
13 lot?  
14 **A. Not the entire parking lot, but part of the parking lot,**  
15 **yes.**  
16 Q. Did you remain in the control room after he left?  
17 **A. I did for a period of time, yes.**  
18 Q. About how long?  
19 **A. Probably 15 to 20 minutes.**  
20 Q. During the time you were in the control room, could you see  
21 him in his Kelly security vehicle sitting, at any time, in  
22 the Lindsey Center parking lot?  
23 **A. When you say "could," was it possible to? It would have**  
24 **been possible to.**  
25 **Did I? No.**

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19 (Pages 70 to 73)

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1 Q. You did not see him?  
2 **A. I didn't look.**  
3 Q. You didn't have a reason to. You just didn't look at any  
4 time?  
5 **A. Right.**  
6 Q. Did Mr. Isotalo, then, contact you and provide you the  
7 license plate number?  
8 **A. He did later, yes.**  
9 Q. When you say "later," about how long after?  
10 **A. Thirty, forty-five minutes.**  
11 Q. How did he provide it to you?  
12 **A. By telephone.**  
13 Q. Via his cell phone?  
14 **A. I don't know.**  
15 Q. Which phone did he contact you on?  
16 **A. My desk phone.**  
17 Q. What did he tell you when he called you?  
18 **A. He gave me the license plate number, told me the vehicle**  
19 **description, which I don't recall, and that she had left.**  
20 Q. Did you respond to him at all?  
21 **A. I am sure I did. I said thank you or whatever.**  
22 Q. Did you give him any other instruction at that time?  
23 **A. No.**  
24 Q. Did you tell him to return to the control room? Did you  
25 tell him to return to his post? Anything like that?

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1 **A. No.**  
2 Q. Did he tell you any other information?  
3 **A. No.**  
4 Q. As it relates to TW after that, what did you do with the  
5 information?  
6 **A. I contacted JD.**  
7 Q. Immediately?  
8 **A. Yes.**  
9 Q. So you called JD?  
10 **A. Right.**  
11 Q. When you called JD, did you provide him the license plate  
12 number?  
13 **A. Yes.**  
14 Q. Did you have any other discussion with JD regarding TW?  
15 **A. Regarding TW, no.**  
16 Q. So you provided him the license plate number. Was there  
17 anything else discussed in that phone call?  
18 **A. The fact that John had approached one of the undercover cars**  
19 **in the parking lot.**  
20 Q. Tell me the entire content of the discussion.  
21 **A. That he had walked up to an undercover car in the parking**  
22 **lot.**  
23 Q. JD told you this?  
24 **A. Yes.**  
25 Q. He said, John walked up to an undercover car in the parking

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1 lot?  
2 What exactly did he tell you?  
3 MR. POTTER: Objection. Asked and answered  
4 twice.  
5 Go ahead.  
6 **A. Basically, that one of our security officers had walked up**  
7 **to an undercover car in the parking lot.**  
8 Q. (By Ms. Sharp) How do you know it was John?  
9 **A. He was identified by the officer in the parking lot. He**  
10 **also provided the license plate number of the car that TW**  
11 **had gotten into to that person in the parking lot.**  
12 **JD said, yeah, we got the plate because he gave**  
13 **it to him. John gave it to the officer in the parking lot.**  
14 Q. When you are having this conversation with JD, did he tell  
15 you that the security officer who approached the undercover  
16 officer in the parking lot was himself, or is he relaying to  
17 you that another undercover officer told him this?  
18 MR. POTTER: She is asking you if JD was in the  
19 parking lot.  
20 **A. No, it wasn't JD. JD wasn't the undercover officer**  
21 **approached.**  
22 Q. (By Ms. Sharp) So he is telling you that another undercover  
23 officer had called him and told him this?  
24 **A. Yes.**  
25 Q. Do you know if JD was in the parking lot at all that day?

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1 **A. He was at some point, but he was their supervisor so he**  
2 **supervises the team.**  
3 Q. So he received this information from someone else?  
4 **A. Yes.**  
5 Q. So he told you that they had been provided the license plate  
6 number already?  
7 **A. Yes.**  
8 Q. Did he tell you anything else regarding receiving the  
9 license plate number in the parking lot from one of your  
10 security officers?  
11 **A. No.**  
12 Q. Anything else that you and JD discussed in that  
13 conversation?  
14 **A. Only the fact that a known security officer approaching**  
15 **somebody in a car could compromise an investigation.**  
16 Q. Who said that?  
17 **A. JD.**  
18 Q. JD said that to you?  
19 **A. Yes.**  
20 Q. He said a known security officer approaching one of my  
21 undercover officers in a car could compromise an  
22 investigation?  
23 **A. Yes.**  
24 Q. Did you respond to him at all?  
25 **A. I am sure I apologized profusely, because it was**

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20 (Pages 74 to 77)

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1 embarrassing.  
2 Q. Did he say anything else to you?  
3 A. **He did thank me. We agreed that it was kind of a boneheaded**  
4 **thing to do under the circumstances. He thanked me for our**  
5 **cooperation and whatnot.**  
6 Q. Did you ask him anything else regarding the facts and  
7 circumstances of the security officer approaching the  
8 undercover officer in the car?  
9 A. **No.**  
10 Q. You just know that he told you they already had a license  
11 plate, because one of the security officers provided it to  
12 him?  
13 A. **Right. There were only two security officers on. The other**  
14 **one was at the front desk.**  
15 Q. Who was at the front desk at the time?  
16 A. **Dan Tomica. So it could have only been one person.**  
17 Q. That was your assumption?  
18 A. **And only one person knew about what we were doing, other**  
19 **than myself and Tom Catalano.**  
20 Q. How did Tom Catalano know what was going on?  
21 A. **I told him.**  
22 Q. When did you tell him?  
23 A. **On or about the same time that I had the phone call from JD.**  
24 Q. JD called you some time between 10:00 and 2:00, and you also  
25 thereabout after told Tom Catalano about the phone call?

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1 number, but that it could have compromised the  
2 investigation.  
3 Q. Did you tell him anything else?  
4 A. **At that point, no.**  
5 Q. What was Mr. Catalano's response?  
6 A. **Displeasure.**  
7 Q. Do you remember what he said?  
8 A. **Not off the top of my head, no.**  
9 Q. When you say "displeasure," are you saying that based on  
10 words or facial demeanor?  
11 A. **Facial. Kind of like, what was he thinking? Why would he**  
12 **do that? That sort of thing.**  
13 **Disbelief that somebody in our capacity would**  
14 **actually do that sort of thing.**  
15 Q. You hadn't talked to Mr. Isotalo at that time, had you?  
16 A. **No.**  
17 Q. So you don't know what had actually occurred as far as why  
18 he may or may not have approached somebody, do you?  
19 A. **No.**  
20 Q. So you went and talked to Mr. Catalano before you ever met  
21 with Mr. Isotalo, didn't you?  
22 A. **Right. But I know that my instructions to him were specific**  
23 **and, obviously, he hadn't followed them.**  
24 Q. Now, you had had agents from agencies such as the Troy  
25 Police Department on your premises in the past, haven't you?

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1 A. **Right.**  
2 Q. You told Tom Catalano you had a conversation with the  
3 manager of TW?  
4 A. **Yes.**  
5 Q. And some time after that is when you went to the control  
6 room, knowing that she would be leaving some time before  
7 3:00 P.M.?  
8 A. **Right.**  
9 Q. Did you do anything else in that time in relation to the  
10 phone call that you received from JD?  
11 Did you tell anybody else about the phone call?  
12 A. **No. Nobody else was involved.**  
13 Q. What did you do after JD called you and told you that they  
14 already received the license plate number?  
15 A. **I spoke to Tom Catalano about it.**  
16 Q. You went right to Tom Catalano?  
17 A. **Yes.**  
18 Q. You didn't stop? You didn't talk to anybody else? You  
19 didn't go see Mr. Isotalo? You didn't see Mr. Davis? You  
20 went right to Mr. Catalano?  
21 A. **His office is right next to my cubicle. It's right next**  
22 **door.**  
23 Q. Tell me the conversation you had with Mr. Catalano.  
24 A. **I basically explained to Tom that John had approached the**  
25 **officer in the parking lot and gave him the license plate**

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1 A. **Yes.**  
2 Q. When agents like that were on your premises in the past,  
3 haven't you relayed this to all of your security officers to  
4 make them aware of it?  
5 A. **Either myself or one of the other security managers, yes.**  
6 **That is just common practice.**  
7 Q. One of those security managers such as Mr. Davis?  
8 A. **Or Eager, yes.**  
9 Q. And one of the ways that you relay this to people is via  
10 email?  
11 A. **Right.**  
12 Q. You don't see all of your security officers?  
13 A. **Right. It is a 24/7 operation, and you don't see everybody.**  
14 Q. Isn't it routine that when security officers come on duty  
15 they are to check their email?  
16 A. **Yes, however -- yes, they should.**  
17 Q. The purpose of checking your email when you come on duty is  
18 to see all of the recent emails that have come out, whether  
19 it be notices about security, about local police being on  
20 the premises or things that are going to happen during their  
21 shift that evening?  
22 A. **Well, actually, prior to when I took over, the Daily**  
23 **Activity Report was used for a lot of those things, and**  
24 **email wasn't used as commonly. That would have either been**  
25 **by email or on the Daily Activity Report.**

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21 (Pages 78 to 81)



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1 Q. So the Daily Activity Report was also used to relay messages  
2 between the security officers?  
3 **A. Right, but generally not security managers.**  
4 Q. Once you learn that federal agents are on your premises,  
5 isn't this something that you want to relay to each of the  
6 security officers who are working that day to ensure that  
7 they do not interrupt the federal agents' operation?  
8 **A. Yes.**  
9 Q. And did you put this information on the Daily Activity  
10 Report?  
11 **A. No. I didn't use the Daily Activity Report. Managers don't**  
12 **use it. It was for the security officers.**  
13 Q. How does information get on the Daily Activity Report?  
14 **A. The security officers type it in.**  
15 Q. But you are the only manager who obtained that information  
16 from the federal agent, the DEA agent, right?  
17 **A. Yes.**  
18 Q. So wouldn't it have made sense for you to put the  
19 information in the Daily Activity Report to provide it to  
20 the security officers?  
21 **A. No. I just said that security managers don't use the Daily**  
22 **Activity Report, so there is no way that I would put**  
23 **anything on it. We use email.**  
24 Q. So you used email?  
25 **A. Right.**

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1 **A. No. Maybe I am missing something.**  
2 Q. Once you obtained the information, you are telling me that  
3 you verbally told Mr. Isotalo to go obtain a license plate?  
4 **A. Yes.**  
5 Q. And at that time you also told him that the DEA agents were  
6 on the premises?  
7 **A. Right.**  
8 Q. Have you seen Mr. Isotalo's testimony in this matter?  
9 **A. His deposition?**  
10 Q. Yes.  
11 **A. Yes.**  
12 Q. Have you read it?  
13 **A. Yes.**  
14 Q. Do you understand that Mr. Isotalo has testified that you  
15 did not verbally tell him that the DEA agents were on the  
16 premises?  
17 **A. Yes.**  
18 Q. Could it be the case that you did not verbally tell him that  
19 the DEA agents were on the premises?  
20 **A. No, not at all.**  
21 Q. You are absolutely certain that you told him they were  
22 there?  
23 **A. Yes. I explained the reason why we are looking for TW and**  
24 **what we were trying to accomplish, and the fact that I**  
25 **wanted him to stay in the building and just do things**

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1 Q. Once you obtain the information from the DEA agents that  
2 they are going to be on your premises that day, wouldn't it  
3 have made sense, at that time, to send an email to each of  
4 the security officers to provide them the information so  
5 that they knew, as they came on shift, what was going on on  
6 the premises that day and not to interfere in the DEA  
7 agents' operation?  
8 **A. No. The two officers that were on duty were already on duty**  
9 **when I came in, and they were on duty after I had received**  
10 **that information.**  
11 **I did send a message to them, but the two that**  
12 **were on duty were already there and present.**  
13 Q. So you are telling me that they came on duty after you  
14 received that information?  
15 **A. No, before. I came on duty after they did.**  
16 Q. Mr. Isotalo was on duty from 2:00 to 10:00 that day; do you  
17 recall that?  
18 **A. No.**  
19 Q. You don't recall that he came on duty from 2:00 to 10:00  
20 that day?  
21 **A. I don't know what shift it was.**  
22 Q. So if you received that information some time between 10:00  
23 and 2:00, and Mr. Isotalo was on duty from 2:00 to 10:00, he  
24 came on duty after you received that the information.  
25 Doesn't that make sense?

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1 **normally.**  
2 Q. You did not testify to that earlier. You did not say "just  
3 do things normally."  
4 What do you mean by just do things normally?  
5 That's different from what you told me earlier.  
6 **A. I guess what I mean by doing things normally is not to do**  
7 **anything untoward, not to spook TW or anybody else, just to**  
8 **act as a normal security officer would, which would be**  
9 **sitting in the vehicle and watching the parking lot, things**  
10 **of that nature.**  
11 Q. It is your understanding that he did obtain her license  
12 plate, he never spooked TW and he never alerted her to his  
13 presence in any suspicious manner?  
14 **A. Right.**  
15 Q. So he did follow that instruction?  
16 **A. Yes.**  
17 Q. He obtained her license plate?  
18 **A. Yes.**  
19 Q. He provided it to you, he never spooked her or caused her  
20 any suspicion?  
21 **A. Not that I know of.**  
22 Q. As far as you are concerned, he did follow that instruction?  
23 **A. He didn't stay in the vehicle. He didn't report it back to**  
24 **me immediately.**  
25 Q. He stayed in the vehicle while he was gathering her license

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22 (Pages 82 to 85)



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1 plate number. Do you agree with that?  
2 **A. I don't know.**  
3 MR. POTTER: Foundation.  
4 **A. I don't know that to be true.**  
5 Q. (By Ms. Sharp) Now, you have read his testimony, and you  
6 understand that he has testified that after gathering her  
7 license plate number, he saw a male sitting in a car that he  
8 did not recognize in the Kelly parking lot?  
9 **A. Right.**  
10 Q. And do you agree that it's routine for Kelly security  
11 officers to patrol the parking lot?  
12 **A. It is.**  
13 Q. And if he saw a male continuously sitting in a car in the  
14 Kelly parking lot that he did not recognize, for a  
15 continuous period of time, and he did not know that there  
16 were federal agents patrolling the parking lot or  
17 surveilling it, wouldn't it have been a routine part of his  
18 job to approach that person and find out if they had a  
19 reason to be there?  
20 **A. No.**  
21 Q. It would not be part of his job?  
22 **A. No.**  
23 Q. Why not?  
24 **A. People generally sleep in their vehicles during lunch. They**  
25 **eat lunch in their vehicles. They wait for appointments, et**

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1 **and out for interviews. There is just a lot of activity.**  
2 Q. So you don't believe it is part of his position to approach  
3 someone and find out if they have a right to be there?  
4 MR. POTTER: Objection. Asked and answered. He  
5 gave multiple answers to that question and qualified the  
6 time.  
7 Tell her again.  
8 **A. No.**  
9 **The other issue is that suspicious activity is**  
10 **supposed to be reported to the police. If somebody was in**  
11 **our parking lot acting suspiciously, the expectation is that**  
12 **the police would be called, and they would come and check it**  
13 **out.**  
14 **When the security officers were armed, which they**  
15 **weren't in 2011, but when they were armed, one of our**  
16 **concerns was that we were going to have a confrontation in**  
17 **the parking lot between an armed security officer and a**  
18 **member of the general public or whomever. The expectation**  
19 **was that suspicious activity always be reported to the**  
20 **police.**  
21 **Again, security officers don't have law**  
22 **enforcement powers. They can't ask people for their**  
23 **identification. It's very dangerous to have a security**  
24 **officer just approach some guy in a car, especially at**  
25 **night, and ask them what they are doing. That is what law**

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1 **cetera, et cetera, in their vehicles. It is not uncommon to**  
2 **have people sitting in vehicles in the parking lot.**  
3 Q. As a security officer, it is his job to find out if a person  
4 has a reason to be in their vehicle at three o'clock in the  
5 afternoon. Wouldn't you agree?  
6 **A. Not at three o'clock in the afternoon, no.**  
7 Q. It was three o'clock in the afternoon when he went out to  
8 find out TW's license plate, wasn't it?  
9 **A. Roughly. Yes.**  
10 Q. As a security officer, it would have been a routine part of  
11 his job to find out if there was a reason for somebody to be  
12 continuously sitting in the parking lot?  
13 MR. POTTER: Objection. Asked and answered. He  
14 just told you no.  
15 Tell her again.  
16 **A. No. It's three o'clock in the afternoon. People are coming**  
17 **and going. There is a lot of activity. That is not**  
18 **unusual.**  
19 Q. (By Ms. Sharp) For a security officer, you don't think that  
20 that is part of his position to find out why somebody is  
21 sitting in their car?  
22 **A. If it's ten o'clock when the building is closed, yes. If it**  
23 **is 2:00 in the morning, yes. But not at 3:00 in the**  
24 **afternoon. That is normal activity.**  
25 **It is a staffing company, so people are coming in**

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1 **enforcement is for.**  
2 **With Troy PD being five minutes away, we utilize**  
3 **them all the time for suspicious people in vehicles.**  
4 Q. (By Ms. Sharp) What is the purpose of patrolling the  
5 parking lot, then, for your security force?  
6 **A. Observation.**  
7 Q. To observe?  
8 **A. Yes.**  
9 Q. If he observed a person sitting continuously for a period  
10 of time in the parking lot, what would you expect him to  
11 do?  
12 **A. Contact law enforcement.**  
13 Q. So you would not expect him to ask what is the purpose  
14 of you sitting continuously for a period of time in your  
15 car?  
16 **A. No.**  
17 Q. Do you know if there was ever a time when you had a security  
18 officer approach someone in their car?  
19 MR. POTTER: Other than what Mr. Isotalo did?  
20 MS. SHARP: Yes.  
21 Q. (By Ms. Sharp) Other than Mr. Isotalo's incident. Other  
22 than March 16th, that you later became aware of.  
23 **A. I do not, no.**  
24 Q. Other than the information that you obtained from JD  
25 regarding Mr. Isotalo approaching an undercover officer and

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23 (Pages 86 to 89)

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1 then the conversation that you had with Mr. Catalano, what  
2 information did you obtain about Mr. Isotalo approaching an  
3 undercover officer on March 16th?  
4 **A. I learned that he had actually gone into the Lindsey**  
5 **Center. He had spoken with another employee, who had then**  
6 **told another employee about law enforcement being in the**  
7 **parking lot. He had smoked a cigarette with one of the**  
8 **employees.**  
9 **I believe at one point, either coming or going,**  
10 **he actually spoke with TW in some kind of salutation or**  
11 **something.**  
12 MR. POTTER: Does that mean hello?  
13 THE WITNESS: Yes. Or good-bye or whatever, a  
14 greeting.  
15 Q. (By Ms. Sharp) How did you obtain all of this information?  
16 **A. It was told to me.**  
17 Q. By whom?  
18 **A. Cathy Sage, S-a-g-e.**  
19 Q. K-a-t-h-y?  
20 **A. No. Actually, it is Catherine, with a C. She told me that**  
21 **she and Pam Sanders had been looking out the window of the**  
22 **law department and that law enforcement was present.**  
23 Q. When did she tell you this?  
24 **A. That would have been the afternoon of the 16th.**  
25 Q. How did it come about that she contacted you and told you

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1 information from Mr. Isotalo?  
2 **A. Cathy told me. Cathy told me that Pam had told her, because**  
3 **Pam and John had been outside smoking.**  
4 **When Pam came back into the law department she**  
5 **told Cathy, and they went to look out the window to see what**  
6 **was going on.**  
7 Q. Tell me what she told you in this conversation about what  
8 she learned from Pam, other than what you have already told  
9 me.  
10 **A. Just that.**  
11 Q. When did this call occur?  
12 **A. I'd say between 3:00 and 4:00, maybe 3:00 and 5:00.**  
13 Q. After talking to Mr. Catalano, did you have this call with  
14 Cathy Sage, or was there contact with other persons  
15 regarding Mr. Isotalo's contact with that undercover  
16 officer?  
17 **A. I spoke to Tom, then spoke with Steve Davis, then Cathy and**  
18 **then Tom again.**  
19 Q. After you talked to Tom, you went and talked to Steve Davis?  
20 **A. Yes.**  
21 Q. Tell me about the conversation with Steve Davis.  
22 **A. Basically, that John had approached the undercover officer**  
23 **in the parking lot, hadn't followed my instructions, I had a**  
24 **conversation with JD and that we just really weren't happy**  
25 **with that level of professionalism.**

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1 this?  
2 **A. We have regular communication. She is the administrative**  
3 **secretary for the law department. We are a part of the law**  
4 **department, global security, so we have a lot of contact**  
5 **regarding cases, meetings. She handles part of the**  
6 **purchasing process, et cetera, et cetera.**  
7 **So it is not uncommon that we discuss things on a**  
8 **regular basis.**  
9 Q. Did she call you on March 16th? Did you run into her? Did  
10 you bump into her?  
11 **A. She called me.**  
12 Q. So she called you on March 16th?  
13 **A. Yes.**  
14 Q. Was she calling you about this or about something else?  
15 **A. Something else, I believe.**  
16 Q. And she happens to say, Pam Sanders and I are looking out  
17 the window of the law department and seen law enforcement?  
18 **A. That they had.**  
19 Q. They had seen it?  
20 **A. Yes.**  
21 Q. Why is this of note to you?  
22 **A. Because she shouldn't have known about what was going on.**  
23 **Pam Sanders shouldn't have known what was going on.**  
24 Q. If they saw a car in the parking lot that they believed to  
25 be law enforcement, how did you know that they obtained that

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1 Q. Who was not happy with the level of professionalism?  
2 **A. Me and Tom. Tom and I.**  
3 Q. What was Mr. Davis' response?  
4 **A. He wasn't happy either.**  
5 Q. What else did you tell Mr. Davis?  
6 **A. Nothing.**  
7 Q. Do you remember anything else Mr. Davis said?  
8 **A. No.**  
9 Q. How do you know Mr. Davis was not happy?  
10 **A. By the conversations that we had, what he said, the way he**  
11 **looked, his response.**  
12 Q. Do you remember exactly what he said?  
13 **A. No. It was a conversation to the effect of why would**  
14 **somebody do that. That's not what they are supposed to be**  
15 **doing.**  
16 Q. But at that point, you only had JD's side?  
17 **A. Yes.**  
18 Q. You had not had a conversation with Mr. Isotalo?  
19 **A. Right. But in my association with JD, he had always been**  
20 **accurate and truthful with me.**  
21 Q. You only had one conversation with JD?  
22 **A. Right.**  
23 Q. He had called you and said that TW was under federal  
24 investigation?  
25 **A. Yes.**

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24 (Pages 90 to 93)

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1 Q. How did you know it to be true?  
2 **A. I knew it to be true.**  
3 Q. How did you know it to be true?  
4 **A. Generally, when federal agents call us and we discuss**  
5 **issues, there is some credibility there.**  
6 Q. Other than the fact that he was a federal agent, what gave  
7 him credibility?  
8 **A. Nothing.**  
9 Q. Other than the fact that he had called you prior and said  
10 she is under investigation and then he called you that day  
11 and said her house had been raided, could you obtain her  
12 license plate, as far as you know, you had no other  
13 conversations with this person?  
14 **A. With JD?**  
15 Q. With JD.  
16 **A. Actually, I did, because we discussed other issues related**  
17 **to TW and what she did with Kelly and relatives and things**  
18 **like that.**  
19 Q. When was this?  
20 **A. Between the first call and the call on the 16th.**  
21 Q. I very specifically asked you if you had had any other  
22 conversations or association with him, and you never  
23 mentioned this.  
24 **A. Well, you said prior to him calling about the investigation.**  
25 Q. Prior to him calling about the investigation I asked you

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1 but you have never worked with him on a case prior to him  
2 calling you about TW?  
3 **A. Correct.**  
4 Q. Prior to the first time that JD called you and told you this  
5 woman was under federal investigation, did he call you any  
6 time before that?  
7 **A. I don't know.**  
8 Q. You had two phone calls with him about TW or more?  
9 **A. More.**  
10 Q. How many?  
11 **A. Either three or four.**  
12 Q. And they were all about TW?  
13 **A. TW and her sister. Her sister works for Kelly.**  
14 MR. POTTER: Twins.  
15 **A. They are identical twins.**  
16 Q. (By Ms. Sharp) All the phone calls with this person were  
17 related to TW, her sister and the federal investigation  
18 involving her and/or her boyfriend?  
19 **A. Yes.**  
20 Q. He is a federal agent, and that's what gave him credibility?  
21 **A. The fact that he is a federal agent, yes.**  
22 Q. After he called you and tells you that the undercover agent  
23 was approached, do you recall Mr. Isotalo coming up to you  
24 and telling you, hey, I didn't know they were in the parking  
25 lot; why didn't you tell me that they were in the parking

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1 what your association with him was, and you said you had a  
2 phone call about TW?  
3 **A. Yes.**  
4 Q. Have you had more than two phone calls with JD?  
5 **A. Yes.**  
6 Q. How many phone calls have you had with JD?  
7 MR. POTTER: About this or anything?  
8 MS. SHARP: Anything. I asked him what his  
9 initial association with him was in general.  
10 **A. After JD called about TW, I think we had two calls and then**  
11 **the call on the 16th.**  
12 **Prior to that, as I said, I believe that I have**  
13 **had contact with him for other matters and in seminars.**  
14 Q. (By Ms. Sharp) You think you bumped into this person at  
15 seminars, but you are not sure?  
16 **A. When we go to these seminars, we hand out cards. And,**  
17 **generally, when the different agents or officers or whomever**  
18 **need something, they call us. That's how they get better**  
19 **information.**  
20 Q. Sure. I think I bumped into Mr. Potter at employment  
21 seminars before, because I am in the employment world and he  
22 is in the employment world.  
23 Other than knowing his name -- we have never had  
24 a case together. You are saying you think you had known  
25 this person's name in the past from seeing him in a seminar,

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1 lot so I didn't go up to them?  
2 **A. No.**  
3 Q. You don't recall that at all?  
4 **A. No.**  
5 Q. You don't recall that he approached you while you were on  
6 the phone with JD?  
7 **A. No.**  
8 Q. Was there anybody in the room while you were on the phone  
9 with JD?  
10 **A. It is an open cubicle area, so there would have been people**  
11 **in and about the area. Who, I couldn't tell you.**  
12 Q. Could Mr. Isotalo have come up to approach you and seen you  
13 were on the phone?  
14 You said, "it is an open cubicle area." When you  
15 are on the phone, is your back to the room?  
16 **A. Yes. It is hard to put this on the steno, but I am sitting**  
17 **in the corner, so my back would have been to anybody**  
18 **standing here or here. I wouldn't necessarily have seen**  
19 **them.**  
20 **I would have directed my attention towards the**  
21 **phone. There is a wall here with cabinets and whatnot.**  
22 **If somebody was standing behind me, et cetera, et**  
23 **cetera, I wouldn't necessarily know they were there unless**  
24 **they drew my attention.**  
25 Q. Prior to Mr. Isotalo returning and providing you the license

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25 (Pages 94 to 97)

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1 plate, you are telling me that he called you on his cell  
2 phone or whatever phone it was?  
3 **A. Right.**  
4 Q. And gave you the license number on your phone at Kelly?  
5 **A. Yes. Either cell phone or desk phone, one of the two.**  
6 Q. At that time did he also say to you, why didn't you tell me  
7 there would be DEA in the lots?  
8 **A. No.**  
9 Q. He never said that to you?  
10 **A. No.**  
11 Q. And you never told him, don't worry about it?  
12 **A. No.**  
13 Q. You never told him that?  
14 **A. No. If that issue had come up in a conversation with him,**  
15 **it would have been something I would have worried about.**  
16 **But, as I said before, you don't hash it out with**  
17 **the employee, you go to the manager. The managers take care**  
18 **of it.**  
19 **So if I had been displeased with him, I wouldn't**  
20 **have had a contentious conversation with John on the phone.**  
21 Q. You consider that a contentious conversation?  
22 **A. Yes. Questioning him about something that he might have**  
23 **done wrong that could have caused us a lot of embarrassment,**  
24 **yes.**  
25 Q. Where is the question?

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1 providing you the license plate number, when he was still in  
2 the parking lot?  
3 **A. Without me knowing that he had approached somebody?**  
4 Q. Yes.  
5 **A. I would have told him that I did tell you. That's exactly**  
6 **the conversation we had in the control room. That's exactly**  
7 **why are doing what you are doing.**  
8 Q. But you don't recall that occurring?  
9 **A. No. It didn't. It didn't occur.**  
10 Q. Did JD ever tell you that John Isotalo approaching the  
11 undercover officer changed anything about the investigation?  
12 **A. No.**  
13 Q. Did he ever tell you that receiving the license plate number  
14 assisted in their investigation?  
15 **A. It did.**  
16 Q. Did he ever tell you that Mr. Isotalo's actions had impeded  
17 their investigation?  
18 **A. No.**  
19 Q. Now, when you relayed all of this to Mr. Davis, you told me  
20 that Mr. Davis' responses told you that he was not happy  
21 with Mr. Isotalo, but you can't recall what Mr. Davis said?  
22 **A. Right.**  
23 Q. Then you had this conversation with Cathy Sage?  
24 **A. Yes.**  
25 Q. Have we gone over everything that Cathy Sage told you on

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1 MR. POTTER: He is saying if he had done it.  
2 MS. SHARP: I understand what he is saying.  
3 Q. (By Ms. Sharp) What is the question in there?  
4 **A. I am not asking a question.**  
5 Q. You are saying questioning John about something he had done  
6 wrong?  
7 **A. Right.**  
8 Q. Where was the question when I presented it to you?  
9 **A. I don't follow.**  
10 Q. If John had called you up and said, why didn't you tell me  
11 that there would be DEA in the lots.  
12 **A. Instead of me saying, well, I did and us getting into a**  
13 **conversation about it or an argument, I would have referred**  
14 **it to his manager. If he had a problem with something, he**  
15 **would have to talk to his manager. We wouldn't have gotten**  
16 **into an argument on the phone about it.**  
17 Q. I don't think I was implying there was an argument. I was  
18 just asking you: Why wouldn't you have responded to him and  
19 just said simply, well, I did, or, no, I didn't; I'm sorry,  
20 we will take care of it?  
21 **A. That kind of thing could have occurred, but this is post me**  
22 **finding out that a conversation had taken place in the**  
23 **parking lot with an undercover officer, so I wouldn't have**  
24 **been pleased at that point.**  
25 Q. I am asking you if he had asked you this while he was

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1 that phone call?  
2 **A. Yes.**  
3 Q. She said that Pam Sanders had told her that Pam had had a  
4 cigarette break with Mr. Isotalo, and Mr. Isotalo had told  
5 her in that cigarette break that there was law enforcement  
6 in the parking lot, and after Pam came up, Pam and Cathy had  
7 seen law enforcement from the window of the law department?  
8 MR. POTTER: Objection. I don't think he ever  
9 said that they had seen law enforcement. I think he said  
10 that they were looking.  
11 Object to form.  
12 **A. That they were looking out the window, yes. All that would**  
13 **be true, except for the point that they may or may not have**  
14 **actually seen the law enforcement.**  
15 Q. (By Ms. Sharp) Did Cathy tell you when the cigarette break  
16 with Pam had occurred with Mr. Isotalo?  
17 **A. Not specifically, no.**  
18 Q. Did you ask Cathy any questions about the information she  
19 had just provided you about Mr. Isotalo's and Pam's  
20 cigarette break?  
21 **A. No.**  
22 Q. Time? Location? Anything else they talked about? Anything  
23 like that?  
24 **A. No.**  
25 Q. Just so we are clear, is that everything you learned from

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26 (Pages 98 to 101)



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1 Cathy Sage about Pam Sanders' and Mr. Isotalo's  
2 conversation?  
3 **A. Right.**  
4 Q. After that, you went and had another conversation with Mr.  
5 Catalano?  
6 **A. Yes.**  
7 Q. Was that immediately after you got off the phone with Cathy  
8 Sage?  
9 **A. Yes.**  
10 Q. Tell me about that conversation.  
11 **A. I basically updated him as to the fact that the information**  
12 **regarding the investigation and law enforcement's presence**  
13 **at the Lindsey Center had been shared with third parties**  
14 **outside of security, which was improper.**  
15 Q. Now you are using general terms, law enforcement's presence  
16 at the Lindsey Center shared with third parties. Did you  
17 tell him the exact information you learned from Cathy Sage?  
18 **A. Yes.**  
19 Q. Tell me what you told him.  
20 MR. POTTER: Objection. Asked and answered.  
21 Go ahead.  
22 **A. Basically what I just said, that I had a conversation with**  
23 **Cathy Sage, and she relayed the information that her and Pam**  
24 **had looked out the window looking for the law enforcement**  
25 **vehicle, DEA vehicle, what have you, and Pam had told her of**

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1 day?  
2 **A. I don't know.**  
3 MR. POTTER: Counselor, what do you want to do?  
4 It is one o'clock. Do you want to take a break  
5 and eat?  
6 MS. SHARP: Yes.  
7 (Lunch break taken at  
8 approximately 1:00 P.M.)  
9 ---  
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1 the presence. Pam and John had just smoked a cigarette, and  
2 John had told her of the presence.  
3 Q. (By Ms. Sharp) Did you tell him anything else?  
4 **A. I don't think so, no.**  
5 Q. How did he respond?  
6 **A. He wasn't happy.**  
7 Q. Do you remember what he said?  
8 **A. Not specifically.**  
9 Q. What did you do after that?  
10 **A. I probably went back to my desk and continued working.**  
11 Q. Did you have any conversations with Mr. Isotalo that day  
12 that you recall?  
13 **A. No.**  
14 MR. POTTER: You mean after instructing him to go  
15 to the Lindsey Center?  
16 Q. (By Ms. Sharp) That day, after you spoke with Mr. Catalano  
17 that second time.  
18 **A. No, I didn't.**  
19 **Actually, today is the first time that I have**  
20 **seen him and spoken to him since then.**  
21 Q. Since March 17th?  
22 **A. Yes.**  
23 Q. 2011?  
24 **A. Or 16th, yes.**  
25 Q. Did you have any further conversation with Mr. Davis that

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1 Auburn Hills, Michigan  
2 Friday, January 18, 2013  
3 At about 1:45 P.M.  
4 ---  
5 Q. (By Ms. Sharp) Prior to our lunch break, you were telling  
6 me about the sequence of events after you received the phone  
7 call from JD regarding one of your security officers  
8 approaching one of his undercover officers in the parking  
9 lot on March 16th.  
10 **A. Yes.**  
11 Q. Did you make or keep any notes on this sequence of events?  
12 **A. No.**  
13 Q. You have a habit usually of making notes on incidents, don't  
14 you?  
15 **A. Yes, depending on the incident.**  
16 Q. Why didn't you make or keep any notes on this sequence of  
17 events?  
18 **A. I didn't see any need at the time.**  
19 Q. You said that having your security officer approach the  
20 uncover officer in the parking lot was embarrassing, and you  
21 would have apologized profusely?  
22 **A. Yes.**  
23 Q. So wasn't this an event that you would have made notes on,  
24 because it was embarrassing and something at Kelly that you  
25 felt the need to go and see the vice president of global

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27 (Pages 102 to 105)



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1 security about?  
2 **A. Well, I see the vice president of global security every**  
3 **day. He sits next to me. He eats candy out of my candy**  
4 **dish. It is not a big deal.**  
5 Q. You see the vice president of global security every day  
6 because your cube is next to his office, right?  
7 **A. Right. I work for him.**  
8 Q. You see him for lots of reasons?  
9 **A. Yes.**  
10 Q. Everything from weather, sports, candy?  
11 **A. Yes.**  
12 Q. But you saw this as such an alarming event in your eyes,  
13 once you received this phone call from JD, that you wanted  
14 to tell him immediately about what one of the Kelly  
15 employees had done, right?  
16 **A. Uh-huh.**  
17 Q. Yes?  
18 **A. Yes.**  
19 Q. If this was such an alarming event, why didn't you keep  
20 notes on what you had been told by Kelly employees and JD?  
21 **A. I wouldn't.**  
22 Q. You just wouldn't?  
23 **A. No.**  
24 Q. An alarming event like this, in your mind, you don't keep  
25 notes?

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1 **A. Because I worked for Mr. Catalano.**  
2 Q. But John worked for Mr. Davis?  
3 **A. Right.**  
4 Q. So why not take the information to Mr. Davis and allow Mr.  
5 Davis to take it to Mr. Catalano, if he felt it was  
6 necessary?  
7 **A. That's just what I did.**  
8 Q. When you relayed this information to Mr. Catalano on March  
9 16th, did you already know that the security officer group  
10 would soon become part of your division in global security?  
11 **A. No. There had never been any discussions about that at all.**  
12 Q. What do you mean there had never been any discussions about  
13 that at all?  
14 **A. There had never been any discussions about me taking over**  
15 **the group at all.**  
16 Q. I thought your prior testimony was that there had been  
17 complaints about a series of incidences and things that had  
18 reflected negatively on the security officers that were  
19 ongoing and a potential need to move the security officers  
20 under your command?  
21 **A. No, that's not true. Or it's not accurate, I should say.**  
22 **There were complaints, there were a lot of**  
23 **issues, but there never had been a conversation about me**  
24 **taking the group over.**  
25 Q. This was just a series of complaints that had come to light?

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1 **A. No.**  
2 Q. Do you keep notes on other events that you investigate or  
3 that you consider alarming?  
4 **A. Well, we have an electronic reporting system called**  
5 **IntegriLink. Generally, when we are doing cases and**  
6 **whatnot, we have this program up in front of us, it's web**  
7 **based, and we type information into our reporting system.**  
8 **So taking notes, as you are now, is kind of not a**  
9 **thing of the past, but not as common as maybe it used to be.**  
10 Q. It is redundant?  
11 **A. Yes, it is redundant.**  
12 Q. Did you open IntegriLink when JD called you and told you one  
13 of the security officers had approached his undercover  
14 officer in the parking lot?  
15 **A. No. Because that system is used for investigations, and I**  
16 **wouldn't open an investigation into that.**  
17 Q. So you didn't find there was a need to investigate?  
18 **A. I wouldn't be the person to investigate it. I'd go to my**  
19 **boss and tell him, and then he would take care of that.**  
20 **Again, John didn't work for me, he worked for**  
21 **somebody else.**  
22 Q. John worked for Mr. Davis, right?  
23 **A. Yes.**  
24 Q. Why did you relay the investigation to Mr. Catalano instead  
25 of Mr. Davis?

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1 **A. Yes.**  
2 Q. What was being done, then, to address these complaints?  
3 MR. POTTER: I will object to foundation since it  
4 wasn't his group.  
5 But go ahead and answer, if you can.  
6 **A. Steve Davis was the manager. There was a realignment that**  
7 **put Steve Davis under David Eager so Dave Eager could**  
8 **improve the group. That didn't work, so it was realigned**  
9 **again so that Steve Davis was solely in charge of the group.**  
10 Q. (By Ms. Sharp) When did the Eager to Davis realignment  
11 happen?  
12 **A. '08/'09.**  
13 Q. When did the Davis solely supervising the group happen?  
14 **A. Again in '09. Late '09.**  
15 Q. So from 2009 through March 18, 2011, Davis solely supervised  
16 the security officers at Kelly Services?  
17 **A. Yes.**  
18 Q. Were you aware that Mr. Isotalo was terminated on March 17,  
19 2011?  
20 **A. Yes.**  
21 Q. How did you become aware of it?  
22 **A. I believe Tracy Hopper, the human resources manager, told**  
23 **me.**  
24 Q. When did she tell you?  
25 **A. At some point on March 17th, probably afternoon.**

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28 (Pages 106 to 109)

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1 Q. Did Mr. Davis tell you prior to Mr. Isotalo's termination  
2 that he was being terminated?  
3 **A. No, not Davis. No.**  
4 Q. Did someone else tell you prior to Mr. Isotalo's termination  
5 that he was being terminated?  
6 **A. No.**  
7 Q. Did you have any discussions with Mr. Catalano on the  
8 morning of the 17th?  
9 **A. I am sure we did, yes. Like I said, I see and talk to him**  
10 **all the time.**  
11 Q. On the morning of the 17th, did you have any discussions  
12 that you recall with Mr. Catalano regarding Mr. Isotalo?  
13 **A. Yes.**  
14 Q. What do you recall about your conversations with Mr.  
15 Catalano on the morning of the 17th regarding Mr. Isotalo?  
16 **A. Specifically that Tracy Hopper was the human resources**  
17 **manager handling the issue, and she was going to deal with**  
18 **the issue through Steve Davis.**  
19 Q. What was your response?  
20 **A. It was probably neutral, just to acquiesce to whatever he**  
21 **was telling me. I wouldn't have had an objection to it.**  
22 **That's generally how things are handled.**  
23 Q. When you say that he told you that Tracy Hopper was handling  
24 the issue, did he tell you at that time she was handling the  
25 issue by terminating Mr. Isotalo?

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1 Q. Early in the morning? Late in the day?  
2 **A. Late in the day, yes. She asked me who reported to who.**  
3 **She was fairly new in the HR section that she was**  
4 **working with, and she asked who reported to who. When she**  
5 **ascertained that John worked for Davis --**  
6 Q. And you explained the shrub to her?  
7 **A. Yes, and it is a shrub. She said, okay, thanks. She would**  
8 **speak to Davis.**  
9 Q. Other than asking whom Mr. Isotalo reported to directly, are  
10 there any other questions that she had for you?  
11 **A. No.**  
12 Q. Who initiated the conversation?  
13 **A. She did.**  
14 Q. Did she call you or meet with you directly?  
15 **A. I don't recall. We are on the same floor. She probably**  
16 **just came down to our area.**  
17 Q. And she asked you who Mr. Isotalo reported to?  
18 **A. Yes.**  
19 Q. Any other questions about the activities of the 16th, the  
20 undercover officer, the DEA, anything at all as it pertained  
21 to Mr. Isotalo?  
22 **A. No. I think she handled it all with Davis.**  
23 Q. Any questions about his work history?  
24 **A. With me?**  
25 Q. Yes.

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1 **A. No.**  
2 Q. Was his exact terminology, she is handling the issue through  
3 Mr. Davis?  
4 **A. With Mr. Davis, yes.**  
5 Q. Did you know that that meant that Mr. Isotalo was being  
6 terminated?  
7 **A. No.**  
8 Q. Did he tell you anything else?  
9 **A. No.**  
10 Q. Did you know that Mr. Isotalo was being terminated?  
11 **A. No.**  
12 Q. Did he ask you any other questions about what had occurred  
13 on the 16th?  
14 **A. No.**  
15 Q. Did you ever meet with Ms. Hopper prior to her meeting with  
16 Mr. Isotalo on the 16th?  
17 **A. No.**  
18 Q. Did she come and ask you any questions about your knowledge  
19 about anything that had happened on the 16th?  
20 **A. Yes.**  
21 Q. When was that?  
22 **A. She asked me about I guess I would say our chain of command,**  
23 **who reported to who.**  
24 Q. Backup. My question was: When, first?  
25 **A. Probably late on the 16th.**

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1 **A. No.**  
2 Q. Nothing else about Mr. Isotalo?  
3 **A. Yes.**  
4 Q. Just who did he report to?  
5 **A. Yes.**  
6 **I know she spoke to Tom, and she spoke to Davis.**  
7 Q. How do you know that? Were you present?  
8 **A. I have been in the same cubicle area.**  
9 Q. You saw her go speak to Mr. Davis and Mr. Catalano?  
10 **A. Right.**  
11 Q. After she talked to you, or before she talked to you?  
12 **A. After. She went by me and then talked to them.**  
13 Q. Could you hear either of those conversations?  
14 **A. No.**  
15 Q. On March 16, 2011, were you aware that Mr. Isotalo was a  
16 ten-year employee with Kelly Services?  
17 **A. A tenured?**  
18 Q. A ten year, t-e-n.  
19 **A. Yes. Actually, I should say that I knew that he had been**  
20 **there quite a while. I wouldn't have known he was there for**  
21 **ten years, but he had been there for a number of years.**  
22 Q. Did you have any idea at that time how many years?  
23 **A. No.**  
24 Q. Were you aware at all of his discipline history or lack  
25 thereof with Kelly Services?

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29 (Pages 110 to 113)

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1 MR. POTTER: At what time?  
2 MS. SHARP: On March 16, 2011.  
3 **A. Yes. I knew that there had been issues that had been**  
4 **reported, and there hadn't been action taken.**  
5 Q. (By Ms. Sharp) What do you mean by that?  
6 **A. That nothing disciplinary had occurred.**  
7 Q. You say that you know that there had been issues reported,  
8 and there hadn't been action taken?  
9 **A. Yes.**  
10 Q. What issues are you aware of that had been reported  
11 regarding Mr. Isotalo?  
12 **A. He was carrying a gun illegally.**  
13 Q. How do you know this? What is your personal knowledge of  
14 this?  
15 **A. He and I had a discussion about it.**  
16 Q. When did this occur?  
17 **A. It would have been at some point in 2009.**  
18 **His concealed weapons license had expired, and I**  
19 **approached him to see if he needed help getting it renewed,**  
20 **because he was carrying his firearm illegally.**  
21 Q. You are telling me in 2009, his concealed weapons license  
22 expired?  
23 **A. Yes.**  
24 Q. And you approached him personally?  
25 **A. Yes.**

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1 Q. -- of Mr. Isotalo's prior concealed weapons license?  
2 **A. The expired one, yes.**  
3 Q. Do you know if Mr. Isotalo had obtained a new one and just  
4 hadn't provided a copy to Mr. Sovey?  
5 **A. Yes. Because when I asked John, he said that it had**  
6 **expired, and he was waiting for it to be renewed. That's**  
7 **when I made the offer to try to get it expedited for him.**  
8 Q. I initially asked you what was his response, and you said  
9 that Mr. Isotalo told you he would take care of it. Now,  
10 you are saying his response was that it had expired, and he  
11 was waiting for it to be renewed?  
12 **A. That's accurate.**  
13 Q. You are adding to your initial testimony of what his  
14 response was?  
15 **A. Yes.**  
16 Q. When you say that there were issues that you know that had  
17 been reported and there hadn't been action taken on Mr.  
18 Isotalo, is that what you are referring to?  
19 **A. That and the comments that he would make to female employees**  
20 **as they left the building over the intercom system.**  
21 Q. When you say that this is an issue, was this an issue that  
22 had been reported to someone?  
23 **A. Yes.**  
24 Q. What is the issue that had been reported that there was no  
25 action taken on?

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1 Q. How do you know his concealed weapons license expired?  
2 **A. Steve Sovey told me.**  
3 Q. Steve Sovey came and told you that Mr. Isotalo's concealed  
4 weapons license expired?  
5 **A. Yes.**  
6 Q. So you went and approached Mr. Isotalo?  
7 **A. Right.**  
8 Q. What was the conversation you had with him?  
9 **A. To ask him if his license was expired, and if he needed help**  
10 **with trying to expedite a renewal.**  
11 Q. What was his response?  
12 **A. No. That he would take care of it.**  
13 Q. What led you to believe that he was still carrying a  
14 concealed weapon?  
15 **A. I could see it. He was carrying it.**  
16 Q. On him that day?  
17 **A. Yes.**  
18 Q. Did you ever obtain any personal knowledge, other than  
19 through Steve Sovey, that his concealed weapons license had  
20 actually expired?  
21 **A. No. I saw the copy that Steve had, and Steve told me. He**  
22 **was the range officer, firearms instructor at the time, so**  
23 **he managed those records.**  
24 Q. Steve Sovey showed you a copy --  
25 **A. Yes, of the expired.**

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1 **A. The gun issue and then the harassing comment issue.**  
2 Q. The gun issue, let's go to that. Was that reported to  
3 someone?  
4 **A. Yes.**  
5 Q. Who was that reported to?  
6 **A. Steve Davis and Dave Smiatacz.**  
7 Q. When was that reported to Steve Davis?  
8 **A. At the time that I learned about it.**  
9 Q. In 2009?  
10 **A. Yes.**  
11 Q. How do you know whether there was any action taken on it?  
12 **A. On the gun issue?**  
13 Q. Yes.  
14 **A. It is a serious offense.**  
15 Q. My question is: How do you know whether there was or was  
16 not action taken on it?  
17 **A. David Smiatacz told me that they weren't going to do**  
18 **anything with it.**  
19 Q. At the time, were you Mr. Isotalo's supervisor?  
20 **A. No.**  
21 Q. So it wasn't your authority to take action on it, was it?  
22 **A. Right.**  
23 Q. It was Mr. Smiatacz's or Mr. Davis' authority?  
24 **A. Correct.**  
25 Q. That wasn't within your purview, was it?

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30 (Pages 114 to 117)

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1 **A. To?**  
2 Q. Discipline Mr. Isotalo, if this was something that he needed  
3 discipline for?  
4 **A. Oh, right.**  
5 Q. You are saying that there was comments made over a speaker  
6 system?  
7 **A. Yes.**  
8 Q. How did you become aware of this?  
9 **A. By hearing them, standing in the control room and watching**  
10 **them being made.**  
11 Q. When you heard them, what did you do?  
12 **A. I reported it to Steve Davis and Dave Smiatacz.**  
13 Q. When did you hear these?  
14 **A. It would have been in '08 and '09. It was repeated.**  
15 Q. When you reported this to Davis and Smiatacz, what did they  
16 tell you?  
17 **A. I don't know exactly what they told me. I know that**  
18 **Smiatacz wasn't happy with it, and there was a concern about**  
19 **sexual harassment claims. The behavior continued after**  
20 **that.**  
21 Q. How do you know whether action was or was not taken against  
22 Mr. Isotalo regarding these issues, as you called them?  
23 **A. Now I know what is in his employment records.**  
24 Q. On March 16th, do you know whether action was or was not  
25 taken by Mr. Davis or Mr. Smiatacz?

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1 to fill the head count?  
2 **A. Yes, I believe so.**  
3 Q. Do you know who that person was?  
4 **A. No.**  
5 Q. Some time after Mr. Isotalo was terminated, did you become  
6 aware that -- let me ask you this first. Let's backup a  
7 little.  
8 On March 16, 2011, did you send an email, at some  
9 point, to the Kelly security officers regarding the federal  
10 agents in the parking lot?  
11 **A. Yes.**  
12 Q. Do you recall when that was?  
13 **A. It was at the point where John had left the control room to**  
14 **go and handle the mission that I had given him. Because the**  
15 **control room couldn't be abandoned, I stayed in it and, at**  
16 **that point, I sent the email out.**  
17 Q. You sent the email from the control room?  
18 **A. Yes. It would have been at the point where John was out**  
19 **doing the license plate.**  
20 Q. So while John is trying to obtain TW's license plate, you  
21 send the email?  
22 **A. Yes.**  
23 Q. Why do you send the email?  
24 **A. Why?**  
25 Q. Yes.

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1 **A. On March 16th?**  
2 Q. Yes.  
3 **A. The only way that I would know is the behavior didn't stop.**  
4 Q. You assumed because the behavior continued that neither Mr.  
5 Davis or Smiatacz had taken any disciplinary action against  
6 Mr. Isotalo?  
7 **A. Yes.**  
8 Q. So it was just an assumption on your part?  
9 **A. Yes.**  
10 Q. You actually had no personal knowledge whether they had  
11 taken action against Mr. Isotalo for what you considered  
12 inappropriate comments?  
13 **A. Correct.**  
14 Q. Again, it wasn't in your purview to take any action against  
15 him at that time?  
16 **A. Right. I had no authority to take action against him.**  
17 Q. So the first that you learned of Mr. Isotalo's termination  
18 was after he was terminated on the 17th?  
19 **A. Yes.**  
20 Q. After he was terminated, are you aware if a new security  
21 officer was hired by Kelly Services to replace him?  
22 **A. I am aware. Nobody was.**  
23 Q. Nobody was hired?  
24 **A. No.**  
25 Q. Was a person obtained from Nationwide, through the contract,

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1 **A. To pass on the information that law enforcement was in the**  
2 **parking lot. It's pretty standard whenever we have these**  
3 **issues.**  
4 Q. That you let the other officers know law enforcement is in  
5 the parking lot?  
6 **A. Right.**  
7 Q. Do you communicate verbally to Mr. Tomica, who is at the  
8 desk at that time, that law enforcement is in the parking  
9 lot?  
10 **A. No.**  
11 Q. Do you communicate verbally to any of the other officers as  
12 they come on duty that law enforcement is in the parking  
13 lot?  
14 **A. No.**  
15 **(Marked for Identification:**  
16 **Deposition Exhibit No. 1.)**  
17 Q. (By Ms. Sharp) Is the email on the bottom part of this  
18 document, Exhibit 1, the email that you sent to the security  
19 officers on March 16th?  
20 **A. I believe so. I think so.**  
21 Q. Did you know when you sent this email what any of the  
22 surveillance vehicles would look like, what type of vehicles  
23 they would be driving or anything like that?  
24 **A. Only the fact that they wouldn't be marked federal vehicles.**  
25 Q. But did you know the make or model or style?

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31 (Pages 118 to 121)



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1 **A. No.**  
2 Q. Van? Car? SUV? Anything like that?  
3 **A. Nothing at all.**  
4 Q. JD hadn't provided you any of that information?  
5 **A. No.**  
6 Q. Did you become aware at some point that Deposition Exhibit 1  
7 existed in the form as you see it?  
8 MR. POTTER: You mean with David Freck at the  
9 top?  
10 MS. SHARP: Yes.  
11 MR. POTTER: Go ahead.  
12 **A. Yes.**  
13 Q. (By Ms. Sharp) How did you become aware?  
14 **A. David Freck approached me and said that he had been asked to**  
15 **print an email. He was uncomfortable with the request,**  
16 **because of the nature of it, and he wanted to report what he**  
17 **thought might be a violation of what we call the Code of**  
18 **Conduct, which is disseminating company information to**  
19 **people outside the organization.**  
20 Q. Did he have Exhibit 1 in his hand at the time?  
21 **A. He did.**  
22 Q. Did he provide it to you?  
23 **A. Yes.**  
24 Q. Do you recall when this was?  
25 **A. It would have been on or about the 23rd or 24rd of March**

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1 Q. Did he tell you if Mr. Tomica was ever able to print the  
2 email himself?  
3 **A. At that time, no, he wasn't able to.**  
4 Q. Mr. Tomica was never able to print the email himself  
5 according to Mr. Freck?  
6 **A. At the time that I had the conversation with Freck, he had**  
7 **not been able to. If he has since then, I don't know about**  
8 **it.**  
9 Q. At the time that Mr. Freck approached you, as far as Mr.  
10 Freck knew, Mr. Tomica had been unable to print it?  
11 **A. Right.**  
12 Q. As far as Mr. Freck knew, it had been forwarded to himself  
13 and the email appeared as it did in Exhibit 1?  
14 **A. Yes.**  
15 Q. When he printed it and read it, he brought it to you?  
16 **A. Yes.**  
17 Q. Did Mr. Freck ever tell you if he had ever provided a copy  
18 of it to Mr. Tomica?  
19 **A. I think he had provided Tomica with a copy.**  
20 Q. As it existed on Exhibit 1?  
21 **A. Yes.**  
22 Q. Do you recall him telling you that in that conversation?  
23 **A. Yes. He went through with helping Dan and then came to us**  
24 **later.**  
25 Q. So he did provide Dan Tomica a copy, but then came to you?

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1 **2011.**  
2 Q. Now, you told me that he had been approached to print an  
3 email, and he was uncomfortable with it. Did he tell you  
4 anything else, like who he was asked to print the email by  
5 and why he was uncomfortable?  
6 **A. Yes.**  
7 Q. Tell me exactly what he told you when he approached you,  
8 then.  
9 **A. I don't have the exact words, but basically what he said was**  
10 **he had been asked by John Isotalo to help Dan Tomica print**  
11 **an email. Dan had been unable to print the email in the**  
12 **control room, so Dave Freck had gone to the control room to**  
13 **assist him.**  
14 **Being unable to, the email was forwarded to Freck**  
15 **so he could print it in the maintenance room or the**  
16 **facilities room. Once it was printed and he read it, he**  
17 **became concerned and then reported back the issue.**  
18 Q. Did he tell you why he was concerned once he read the email?  
19 **A. Because he thought that the email was destined for someone**  
20 **who had been terminated from the company.**  
21 Q. Why did he believe it was destined for somebody who was  
22 terminated?  
23 **A. Because John was asking him to print it and to assist Dan**  
24 **with printing it. And at that point John wasn't an employee**  
25 **of the company.**

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1 **A. To be quite honest, I don't know.**  
2 Q. Do you know, in relation to when he helped Mr. Tomica print  
3 the email, when he came to you?  
4 **A. I think I had a phone call that evening, and then the next**  
5 **day is when he actually gave me the email.**  
6 Q. When you say a phone call in the evening, were you still at  
7 work?  
8 **A. No.**  
9 Q. Were you at home?  
10 **A. I don't know.**  
11 Q. Was this something where he was reaching you on a cell  
12 phone?  
13 **A. Somebody would have, yes. And maybe I called back to the**  
14 **office.**  
15 Q. What do you mean by somebody would have?  
16 **A. We have security officers on duty 24/7. Freck had gone to**  
17 **one of the security officers and somehow had notified me**  
18 **that there was an issue.**  
19 Q. Which security officer?  
20 **A. I don't know who it was. He could have gotten the phone**  
21 **number from a phone list, to be quite honest.**  
22 Q. Your phone number?  
23 **A. Yes.**  
24 Q. So he could have gone to one of the other security officers  
25 and said, hey, I need to meet with Mr. Whelan, could you

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32 (Pages 122 to 125)

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1 please give me his cell phone number?  
2 **A. Right. Or he could have gotten it off of our department**  
3 **list or something.**  
4 Q. And you recall receiving a call from him in the evening?  
5 **A. Yes.**  
6 Q. He explained this to you?  
7 **A. Yes.**  
8 Q. And then you had a meeting with him the next day?  
9 **A. I wouldn't say a meeting, but we did meet and he gave me a**  
10 **copy of the email.**  
11 Q. Was there anybody else present when he gave you the email?  
12 **A. I don't think so. I don't know.**  
13 Q. Do you recall?  
14 **A. No, I don't.**  
15 Q. What did you do after you got the email from Mr. Freck?  
16 **A. I told Tom Catalano.**  
17 Q. What did you tell Mr. Catalano?  
18 **A. I basically retold the story that Freck had told me about**  
19 **the attempt of printing this email, having the printer**  
20 **problems and the email being destined for John.**  
21 Q. Did you tell him that Mr. Freck believed the email was  
22 destined for John, or that it was destined for John?  
23 **A. That it was.**  
24 Q. But you didn't actually know it was destined for John?  
25 **A. Based on what Freck had told me.**

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1 Q. I understand Ms. Hopper might be involved in any  
2 investigation in some way, but did you consider this an  
3 investigation of Mr. Tomica?  
4 **A. Yes. In the conduct.**  
5 Q. But this wasn't an investigation that your department would  
6 conduct?  
7 **A. No.**  
8 Q. What did you tell Ms. Hopper?  
9 **A. The same story that Freck had told me.**  
10 Q. Did you have Freck meet with Ms. Hopper?  
11 **A. I didn't instigate or implement that, but I know that Hopper**  
12 **set up a meeting with the three of us.**  
13 Q. Who is the three of us?  
14 **A. Tracy Hopper, Dan Tomica and myself.**  
15 Q. This was on March 23rd or 24th at this point?  
16 **A. Yes. It was March 24th when we had the roundtable.**  
17 Q. The meeting?  
18 **A. The meeting, yes.**  
19 Q. At this point you are now Mr. Tomica's direct supervisor?  
20 **A. Yes.**  
21 Q. Mr. Davis no longer is?  
22 **A. Right.**  
23 Q. He has a different role in the company?  
24 **A. Right.**  
25 Q. Was there any need for Mr. Davis to be there?

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1 Q. But you assumed that at that point?  
2 **A. Yes.**  
3 Q. Did you have any independent knowledge that it was destined  
4 for Mr. Isotalo?  
5 **A. No.**  
6 Q. What did Mr. Catalano say?  
7 **A. To tell Tracy Hopper so she could look into the issue.**  
8 Q. Did you?  
9 **A. Yes.**  
10 Q. Do you know if she did?  
11 **A. She did.**  
12 Q. Your department did investigations, correct?  
13 **A. My department does investigations, yes.**  
14 Q. Why didn't your department conduct an investigation into  
15 this?  
16 **A. Well, you don't conduct investigations on yourself, so human**  
17 **resources will look into these sorts of things.**  
18 Q. So you are saying, because you were going to be  
19 investigating Mr. Tomica, that's why Tracy Hopper was  
20 looking into this?  
21 **A. Yes. And whenever there is a personnel issue or someone has**  
22 **done something or there is an issue, HR is always involved.**  
23 **So there is collaboration between security and HR and the**  
24 **business units and whatnot in the company, that's just the**  
25 **way we do it.**

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1 **A. No.**  
2 Q. Was Mr. Freck at this meeting with Ms. Hopper?  
3 **A. No.**  
4 Q. Did you see a need for anyone else to be involved?  
5 **A. No. But, to be quite honest, it wasn't my call, it was**  
6 **Tracy's call. So she didn't see apparently the need for**  
7 **anybody else to be present.**  
8 Q. As far as you were concerned, the entire investigation was  
9 run by her?  
10 **A. Yes.**  
11 Q. If you are Mr. Tomica's direct supervisor, don't you feel  
12 that you also have to gather the information you need to  
13 make a decision about him?  
14 **A. In this case, it was determined by my boss that Tracy would**  
15 **lead the investigation or inquiry into the issue.**  
16 Q. You felt that was the direction you received from Mr.  
17 Catalano?  
18 **A. Yes.**  
19 Q. For the entire investigation, as we will call it, to be run  
20 by Tracy Hopper?  
21 **A. Yes.**  
22 Q. So she set up a meeting between yourself, Mr. Tomica and  
23 herself?  
24 **A. Right.**  
25 Q. On March 24th?

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33 (Pages 126 to 129)

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1 **A. Right.**  
2 Q. Around what time?  
3 **A. It was in the afternoon, three or four o'clock. Probably**  
4 **four o'clock. It could have been three o'clock.**  
5 Q. Had Mr. Tomica worked that day?  
6 **A. No. He worked the afternoon shift, so he came in at either**  
7 **3:00 or 4:00. We changed the shifts, and I can't remember**  
8 **at that point whether the afternoon shift started at 3:00 or**  
9 **4:00.**  
10 Q. Did this meeting occur right after he arrived for a shift?  
11 **A. Yes.**  
12 Q. Tell me what happened at this meeting.  
13 **A. Tracy asked him to explain the conversation that he had had**  
14 **with Dave Freck.**  
15 **He at first said that he had printer issues. He**  
16 **denied trying to print any email. He said that he just had**  
17 **general issues with the printer and Dave was helping him.**  
18 **When Tracy produced the email and said, well, is**  
19 **this the email, he said no at first. Then he said, yes. He**  
20 **admitted that he was trying to print the email for John, and**  
21 **that he had asked Freck to assist with that.**  
22 Q. Do you recall if he said anything else?  
23 **A. I know that he explained that he did it because John was his**  
24 **friend, and John had asked him to. He said he was doing it**  
25 **out of loyalty to his friend.**

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1 handwriting?  
2 **A. Yes.**  
3 Q. These are notes you took during the meeting you had with Mr.  
4 Tomica and Tracy Hopper on March 24, 2011?  
5 **A. Uh-huh.**  
6 MR. POTTER: Yes?  
7 THE WITNESS: Yes.  
8 Q. (By Ms. Sharp) Why did you take notes during this meeting?  
9 **A. This was actually written up after the fact. It wasn't**  
10 **taken during the meeting.**  
11 Q. How long after the fact did you write these notes?  
12 **A. Probably within an hour or so.**  
13 Q. So you weren't writing during the meeting?  
14 **A. I could have been and then could have written it out in a**  
15 **more legible style. Generally, we don't take notes sitting**  
16 **in meetings.**  
17 Q. This is pretty neat handwriting, so you may have rewritten  
18 it afterwards?  
19 MR. POTTER: Off the record.  
20 (Discussion held off the record.)  
21 **A. It has to do with having a British family, Catholic schools**  
22 **and a mother who is a librarian.**  
23 **How is that?**  
24 Q. (By Ms. Sharp) You may have written this afterwards based  
25 on notes you took during the meeting?

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1 Q. Did you ask him any questions during this meeting?  
2 **A. Yes.**  
3 Q. What questions did you ask him?  
4 **A. What the problem was with the printer in the control room,**  
5 **and why, if we had a printer problem, that it hadn't been**  
6 **reported to me so we could get it fixed.**  
7 Q. What was his answer?  
8 **A. I don't believe he gave me one.**  
9 Q. Were those the only questions you asked him?  
10 **A. Directly, yes.**  
11 Q. Did you ask him anything indirectly?  
12 **A. No.**  
13 Q. Did you have anything else to say to him during this?  
14 **A. No.**  
15 **(Marked for Identification:**  
16 **Deposition Exhibit No. 2.)**  
17 Q. (By Ms. Sharp) Can you review what I have had marked as  
18 Deposition Exhibit No. 2. Let me know when you are done  
19 reviewing it.  
20 **A. Okay. Yes.**  
21 Q. Do you want to look at the other pages before we proceed.  
22 MR. POTTER: Read them all.  
23 Q. (By Ms. Sharp) Read everything.  
24 **A. Okay.**  
25 Q. Is the first page, Bates numbered 101 at the bottom, your

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1 **A. Yes.**  
2 Q. Why did you take notes during this meeting, but not when you  
3 gathered information regarding Mr. Isotalo on March 16th?  
4 **A. Well, this was something that I was involved with as opposed**  
5 **to something that I was passing on. When the issue with**  
6 **Isotalo came up, I passed on the information I had to other**  
7 **people. There was no need for me to take notes or do a**  
8 **report.**  
9 **This was something that was under my purview, so**  
10 **I did.**  
11 Q. Weren't you passing along the information regarding Mr.  
12 Isotalo on March 16th to Mr. Catalano because you felt that  
13 what Mr. Isotalo had done was embarrassing to Kelly, and he  
14 was insubordinate to your instructions?  
15 **A. Insubordinate, potentially comprised a federal investigation**  
16 **and violated a policy by passing confidential information to**  
17 **a third party, yes.**  
18 Q. So you had a purpose in going to Mr. Catalano?  
19 **A. Yes.**  
20 Q. When you received the information regarding Mr. Tomica, you  
21 had a purpose when you went to Mr. Catalano and passed along  
22 that information, also?  
23 **A. Yes.**  
24 Q. Now, you are involved in a meeting regarding Mr. Tomica, and  
25 you are taking these notes?

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34 (Pages 130 to 133)

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1 **A. Yes.**  
2 Q. What I am wondering is, both times you went to Mr. Catalano  
3 regarding Mr. Isotalo and Mr. Tomica you had the same  
4 purpose each time, you felt they were doing something  
5 outside their job duties and you wanted to report it to Mr.  
6 Catalano?  
7 **A. Yes.**  
8 Q. But, in the past, things that each of these individuals had  
9 done you thought were outside of their job duties and you  
10 reported it to Mr. Davis and Mr. Smiatacz, but you hadn't  
11 reported those things to Mr. Catalano, had you?  
12 **A. Yes.**  
13 Q. You had?  
14 **A. We discussed all those issues, yes.**  
15 Q. But you hadn't received the results you wanted in the past,  
16 had you?  
17 **A. I wouldn't say that, but it was handled as it was handled by**  
18 **the people who had the authority to handle it.**  
19 Q. You didn't agree with how to handle it in the past, though,  
20 did you?  
21 **A. No.**  
22 Q. So this time you were going directly to Mr. Catalano with  
23 the things that you disagreed with in their work behavior,  
24 weren't you?  
25 **A. Yes.**

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1 **report.**  
2 Q. Is there anything else that this meeting is in reference to  
3 as far as you were concerned at that time?  
4 **A. No. Just that issue.**  
5 Q. The next one is a word that, I regret to inform everybody, I  
6 have a very hard time pronouncing.  
7 **A. Admonition.**  
8 Q. Admonition: Confidential internal investigation. Honest,  
9 open, truthful, forthright. Not cooperating could lead to  
10 employment action.  
11 **A. Correct.**  
12 Q. And you have PW circled?  
13 **A. Yes.**  
14 Q. What do you mean by that?  
15 **A. I would have given what we considered, at that point, a**  
16 **basic admonition about how we handle investigations and what**  
17 **is expected of a person that is being questioned or**  
18 **interviewed.**  
19 Q. To Mr. Tomica?  
20 **A. Right.**  
21 Q. Are these notes written in sequential order of how the  
22 meeting went?  
23 **A. No. Well, the admonition would have been first, yes. The**  
24 **other stuff may or may not. I can't recall at this time.**  
25 Q. So you kind of would have opened the meeting with what you

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1 Q. These are your interview notes from the meeting with Mr.  
2 Tomica on March 24, 2011?  
3 **A. Correct.**  
4 Q. And you are very meticulous in how you kept your notes here,  
5 aren't you?  
6 **A. Not really, no. This is not meticulous. This is just kind**  
7 **of a note format. It is not a formal report or an executive**  
8 **summary or anything like that.**  
9 Q. You could be more meticulous you feel?  
10 **A. Oh, yes.**  
11 Q. You note the location. The person who is there from HR is  
12 Tracy Hopper.  
13 What is r-e-f colon?  
14 **A. Reference.**  
15 Q. So that's in reference?  
16 **A. Yes.**  
17 Q. Freck reported that Tomica/Isotalo asked him to print an  
18 email from Whelan to security officers, for Isotalo post  
19 termination.  
20 **A. Yes.**  
21 Q. Do you mean anything more by that than what is written  
22 there?  
23 **A. On the surface of your question, no.**  
24 Q. So you mean exactly what you have written there?  
25 **A. It is in reference to that incident or that complaint, that**

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1 expected of him as a security officer?  
2 **A. Right. As one of my employees. I want him to cooperate**  
3 **with Tracy, and whatever he said needed to be honest and**  
4 **open and forthright and that sort of thing.**  
5 Q. This note is referencing what you would have told him at  
6 that time?  
7 **A. Yes.**  
8 Q. Do you recall after you said that if he responded in any  
9 way?  
10 **A. He responded that he understood.**  
11 Q. The next says, asked about situation, Tomica said email for  
12 personal records.  
13 What does TH with a circle around it mean?  
14 **A. Tracy Hopper.**  
15 Q. And is that a question she posed to him?  
16 **A. Yes. She would have asked him about the situation. It is**  
17 **not a Q and A, but she would have asked him about the**  
18 **situation, the email, what it was for, how he got it, et**  
19 **cetera, et cetera.**  
20 Q. You have testified that she did ask him about that?  
21 **A. Yes.**  
22 Q. This is what it says in your notes. Do you recall if she  
23 asked him anything else about that email in reference to  
24 this note?  
25 **A. She did, because she finally got out of him that he was**

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35 (Pages 134 to 137)



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1 **trying to print it for John.**  
2 Q. It says in the next note, explained that we knew the truth:  
3 Tomica admitted to trying to print email for Isotalo, said  
4 Isotalo had called him, said he needed help with printing so  
5 he and Isotalo called Freck, PW.  
6 Is PW yourself?  
7 **A. It is.**  
8 Q. Is this what you were telling Mr. Tomica?  
9 **A. Yes and no. Explained that we knew what the truth was, hey,**  
10 **come on. We know the truth, so just tell us. Don't beat**  
11 **around the bush.**  
12 Q. This is you talking to Mr. Tomica during the meeting?  
13 **A. Yes. I basically said we know what the truth is, just tell**  
14 **us whatever. Then Tomica admitted blah, blah, blah.**  
15 **Going down below, there is the explanation that**  
16 **he should have reported it. Isotalo is a friend, and he was**  
17 **trying to help his friend out.**  
18 **What Tracy further said in that conversation I**  
19 **don't have notes of, but we go down to the bottom where**  
20 **Tracy, then, does the termination.**  
21 Q. At the bottom you have TH, which is Tracy Hopper?  
22 **A. Yes.**  
23 Q. You have termination: Email User Agreement (attempt  
24 unauthorized disclosure) and then provide false  
25 information/investigation.

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1 **A. It might to you. It doesn't to me, because I know what it**  
2 **is. Because that's not how we do things.**  
3 Q. After the fact, you are telling me there was a termination  
4 decision made on a different date?  
5 **A. Yes.**  
6 Q. But your notes appear to say that the termination decision  
7 was made by Tracy Hopper on March 24, 2011.  
8 MR. POTTER: Appears to you.  
9 THE WITNESS: Yes, appears to you.  
10 MR. POTTER: I will object to the foundation and  
11 form of the question.  
12 Q. (By Ms. Sharp) I know you want to look at another page, but  
13 let me ask you this: When I asked you what else occurred in  
14 that meeting, one of the things you testified was that you  
15 asked Mr. Tomica if there was a problem with the printer in  
16 the control room, why hadn't he reported it to you.  
17 **A. Yes.**  
18 Q. Why didn't you include that in your notes?  
19 **A. I didn't see a need to.**  
20 Q. So you only included some of the things that were said in  
21 that meeting in your notes?  
22 **A. Yes.**  
23 Q. You didn't include everything that actually occurred in that  
24 meeting in your notes?  
25 **A. Right.**

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1 Is that your notes on the reasons for Mr.  
2 Tomica's termination?  
3 **A. Well, yes and no, I should say. The termination actually**  
4 **occurred later, but the notes are on this piece of paper.**  
5 Q. The notes are on this piece of paper, and it is dated March  
6 24, 2011 at 3:00 P.M.  
7 **A. Yes.**  
8 Q. You are telling me that you added the termination notes at a  
9 later date?  
10 **A. Yes.**  
11 Q. Why didn't you date and time the termination notes?  
12 **A. The information about that is in the report. The report**  
13 **that is attached is the entire report. That's really more**  
14 **of the company record. Whereas this would have been a note**  
15 **record that I had in my file or what have you.**  
16 Q. Sure. You made this note about the interview with Dan  
17 Tomica on March 24, 2011 at 3:00 P.M.  
18 **A. Yes.**  
19 Q. But if the termination didn't occur on March 24, 2011, why  
20 didn't you date and time stamp the termination note on this  
21 piece of paper?  
22 **A. Because we don't time stamp anything. You are right, I**  
23 **could have put a date on it. I just didn't.**  
24 Q. The way this appears, it appears that the termination was  
25 made on March 24, 2011?

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1 MR. POTTER: If he included everything, they  
2 wouldn't be notes. It would be a transcript.  
3 Q. (By Ms. Sharp) You selected what to include in your notes,  
4 didn't you?  
5 **A. Yes.**  
6 Q. What you thought was important to yourself?  
7 **A. Yes.**  
8 Q. So there are things missing from your notes as to what  
9 occurred on March 24, 2011 in your meeting with Mr. Tomica?  
10 **A. They are not missing to me, because I didn't feel I needed**  
11 **to take note of them. They might be missing to you because**  
12 **you think they are information.**  
13 Q. Let's turn to the next page, the pages marked 102, 103 and  
14 104. It says at the top, Global Compliance, Good For  
15 Business.  
16 Is this what you are referring to as an  
17 IntegriLink report?  
18 **A. Yes.**  
19 Q. Did you initiate this?  
20 **A. Yes, I did.**  
21 Q. It says documented by paul.whelan@kellyservices.com?  
22 **A. Yes.**  
23 Q. That is your email?  
24 **A. Yes.**  
25 Q. When did you initiate this?

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36 (Pages 138 to 141)

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1 **A. On March 24, 2011, just after 6:00 P.M.**  
2 Q. Why did you initiate this report?  
3 **A. We are required to.**  
4 Q. Why are you required to?  
5 **A. We document Code of Conduct violations.**  
6 Q. At what point did you initiate this IntegriLink report?  
7 MR. POTTER: He just told you. Objection. Asked  
8 and answered.  
9 Q. (By Ms. Sharp) Let me ask you this: You told me the time?  
10 **A. The date and time I told you.**  
11 Q. You told me the date and time, you are correct.  
12 What event made you initiate this IntegriLink  
13 report? Was it Mr. Freck's call? Was it receiving the  
14 email from Mr. Freck?  
15 Was it your conversation with Mr. Tomica?  
16 **A. Understanding that there is a 72-hour clock on us doing**  
17 **reports, we had just spoken with Dan and we suspended him**  
18 **pending investigation, and then I completed the report.**  
19 Q. After your conversation with Mr. Tomica on March 24, that is  
20 when you initiated this report?  
21 **A. Correct.**  
22 Q. So you did this because you had to initiate the report, but  
23 not in an effort to begin an investigation on Mr. Tomica?  
24 **A. Yes, you are right. I did not investigate Mr. Tomica, Tracy**  
25 **did. I documented this because we are required to.**

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1 investigation?  
2 **A. Right.**  
3 Q. On page 103 where it says Paul Whelan, case investigator,  
4 what does that assignment mean?  
5 **A. Now, it says case manager, but that is a generic term that's**  
6 **used by IntegriLink for the people that are either assigned**  
7 **or involved with the case.**  
8 **So over to the right, under the box assigned by**  
9 **case management, that is IntegriLink assigning me as what**  
10 **they call a case manager, because I was the one who entered**  
11 **the report. It is an automatic process.**  
12 **Now, if you look below, it says case manager next**  
13 **to Tracy Hopper, and then it says assigned by --**  
14 MR. POTTER: Paul, it says case investigator.  
15 THE WITNESS: I'm sorry, case investigator, you  
16 are right.  
17 **A. It says assigned by Paul Whelan. So when I entered this I**  
18 **assigned Tracy as the case investigator, because she was the**  
19 **case investigator.**  
20 **It is a little convoluted, but it is a system**  
21 **that we kind of bootstrap to use for reporting purposes.**  
22 MR. POTTER: You are good.  
23 Q. (By Ms. Sharp) At the conclusion of the meeting with Mr.  
24 Tomica on the 24th, was he told by Tracy Hopper that he was  
25 suspended?

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1 Q. Does this report have any effect on the decision to  
2 terminate Mr. Tomica?  
3 **A. You mean the report itself?**  
4 Q. Yes.  
5 **A. No.**  
6 Q. Was it reviewed by anyone who made the decision to terminate  
7 Mr. Tomica?  
8 **A. No, it wasn't.**  
9 Q. Does it do anything but document --  
10 **A. I'm sorry. Tracy Hopper would have seen it, too. But**  
11 **nobody except the two of us.**  
12 Q. Based on your answer, I understand, then, that this report  
13 was initiated in the process, because you believe there was  
14 an attempt to disclose confidential information and it was  
15 part of the reporting process, but it was not part of the  
16 investigative process of Mr. Tomica?  
17 **A. Right. The way our process works is if you are made aware**  
18 **of a Code of Conduct or a potential Code of Conduct**  
19 **violation, you have to do the report, even if it's passed**  
20 **off to somebody else to follow up.**  
21 **In this case, should somebody else have added**  
22 **more notes to it or done something with it, maybe, maybe**  
23 **not. But the way our policy reads, if something comes to me**  
24 **I have to document it.**  
25 Q. You did this to document the situation, not as part of the

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1 **A. Yes.**  
2 Q. Why didn't you include that on page one of Exhibit 2, or  
3 what is Bates stamped page 101 of Exhibit 2?  
4 **A. On 101?**  
5 Q. Yes.  
6 **A. I just didn't.**  
7 Q. But he was told that by Tracy Hopper?  
8 **A. Yes.**  
9 Q. At the conclusion of that meeting, after Mr. Tomica was  
10 excused, did you have a conversation with Tracy Hopper?  
11 **A. Yes. I am sure I did.**  
12 Q. Do you recall that conversation?  
13 **A. I know that we would have discussed turning off his badge**  
14 **access, suspending his email account, those sorts of things.**  
15 Q. At some point, a decision was made to terminate Mr. Tomica?  
16 **A. Yes.**  
17 Q. Who made that decision?  
18 MR. POTTER: Foundation.  
19 **A. I don't know.**  
20 MR. POTTER: Withdraw.  
21 Q. (By Ms. Sharp) You don't know who made that decision?  
22 **A. No.**  
23 Q. Do you know who notified Mr. Tomica that he was terminated?  
24 **A. Yes. Tracy did.**  
25 Q. But you are unaware of who made the decision to terminate

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37 (Pages 142 to 145)

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1 Mr. Tomica?  
2 **A. Without speculating, no, I don't know who made that**  
3 **decision.**  
4 MR. POTTER: Do you know who the possibilities  
5 could be?  
6 THE WITNESS: Yes.  
7 MR. POTTER: Do you want that?  
8 MS. SHARP: Sure.  
9 THE WITNESS: It would have been Tracy's manager,  
10 her director, it would have been Tom Catalano and it could  
11 have been the general counsel being involved, also.  
12 MR. POTTER: Those are the three possibilities?  
13 THE WITNESS: Yes. Either a combination of or  
14 all three.  
15 Q. (By Ms. Sharp) Did you meet with, or were you involved in  
16 discussions with any of them regarding the termination of  
17 Mr. Tomica?  
18 **A. No.**  
19 Q. Were you asked by any of those individuals regarding your  
20 opinion on the termination of Mr. Tomica?  
21 **A. Yes.**  
22 Q. Which of those individuals were you asked your opinion about  
23 the termination of Mr. Tomica?  
24 **A. Tom Catalano asked me what I think should be done.**  
25 Q. When was that?

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1 manager, don't you have an opinion about whether or not your  
2 man should be kept or not?  
3 **A. Yes.**  
4 Q. What was your opinion?  
5 **A. That we should let him go.**  
6 Q. Ultimately, Mr. Tomica was terminated?  
7 **A. Yes.**  
8 Q. How did you become aware of that?  
9 **A. Tracy told me.**  
10 Q. When?  
11 **A. On the day it occurred, we had a conversation with Dan by**  
12 **telephone.**  
13 Q. We as in you and --  
14 **A. Tracy and I, yes.**  
15 Q. You both called him together?  
16 **A. Yes.**  
17 Q. What was he told?  
18 **A. That his employment was terminated.**  
19 Q. Do you recall if anything else was said?  
20 **A. No.**  
21 Q. Do you recall if he was told why?  
22 **A. He was told why. He did reiterate the fact that he was**  
23 **loyal to John, and he was doing his friend a favor.**  
24 Q. You heard him say that on the phone that day?  
25 **A. Yes.**

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1 **A. That, I am sure, would have been the 25th, 26th or shortly**  
2 **thereafter. I am sure it would have been the next day,**  
3 **actually.**  
4 Q. And he asked you your opinion?  
5 **A. Yes.**  
6 Q. What did you tell him?  
7 **A. That he should be terminated for violating we call it the**  
8 **Email User Agreement.**  
9 Q. Did you tell him anything else?  
10 **A. No.**  
11 Q. Did Mr. Catalano respond in any way?  
12 **A. Not that I recall, except for the fact that he was going to**  
13 **speak with Tracy Hopper since she was really handling the**  
14 **matter.**  
15 **I was in an odd situation, because I was the**  
16 **manager and also a member of the security team. Really, it**  
17 **was between Tom and Tracy and whomever in HR to handle the**  
18 **issue.**  
19 Q. I hate to ask this, but why do you think you were in an odd  
20 situation as the manager and a member of the security team?  
21 **A. Usually HR and security investigates these issues. It just**  
22 **happened to be that there was a security person involved. I**  
23 **am there as his manager, not really as a security person.**  
24 **Does that make sense?**  
25 Q. Sure. And I guess that's what I am asking you: As his

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1 MR. POTTER: I'm sorry. I missed something.  
2 Were you on the phone call that Hopper made to him?  
3 THE WITNESS: Yes, I was.  
4 MR. POTTER: I missed that. Thank you.  
5 **A. I think he might have apologized to us also, after the fact.**  
6 Q. (By Ms. Sharp) Do you recall that?  
7 **A. I know he was contrite. I think he did.**  
8 Q. When this email was brought to your attention by Mr. Freck,  
9 did you ever have a discussion with Mr. Eager about it?  
10 **A. Yes. I believe Mr. Eager knew about it, also. I think he**  
11 **had been told simultaneously.**  
12 Q. What makes you believe that?  
13 **A. That's just a recollection I have. He sits right next to**  
14 **me.**  
15 Q. It's yourself, Eager and Catalano in a row?  
16 **A. Well, no. Eager and I are in a row and Catalano is over**  
17 **here. Basically, yes.**  
18 **I think Freck might have gone to both of us, off**  
19 **the top of my head.**  
20 Q. Your testimony was that Freck called you after hours?  
21 **A. Freck did report it to me. He might have reported it to**  
22 **other people, too. He might have gone to his management. I**  
23 **just don't know.**  
24 Q. Do you recall any specific conversations with Mr. Eager  
25 regarding Deposition Exhibit 1?

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38 (Pages 146 to 149)

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1 A. This?  
2 Q. Yes.  
3 A. **I think we did discuss it, the fact that it either existed**  
4 **or it had been an issue. I know that David turned over what**  
5 **he had to me, which I think was just a comment or the fact**  
6 **that Freck had reported it, but Freck had also reported it**  
7 **to me, too.**  
8 Q. At that time, was Mr. Eager Mr. Freck's first-line  
9 supervisor?  
10 MR. POTTER: When you just said "David," you  
11 meant David Eager?  
12 MS. SHARP: David Eager.  
13 THE WITNESS: Yes, David Eager.  
14 MR. POTTER: I just want to make sure that's  
15 correct.  
16 A. **No. David Freck --**  
17 MR. POTTER: You're done.  
18 MS. SHARP: He is answering another question. I  
19 threw that in there before you got that.  
20 MR. POTTER: Because it just dawned on me.  
21 MS. SHARP: I know.  
22 MR. POTTER: Now that we agreed on what the prior  
23 answer was, why don't you reask your question again, Heidi,  
24 please.  
25 Q. (By Ms. Sharp) At the time in 2011, was David Eager David

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1 A. **Yes. And it is only a few minutes I should say.**  
2 Q. Did you get a chance to read Mr. Tomica's testimony?  
3 A. **Yes.**  
4 Q. Do you understand that his testimony was that he did not  
5 forward this email, which is Exhibit 1, but that Mr. Freck  
6 went to his workstation and sent an email, and that if he  
7 had been signed in to his email, Mr. Freck could have done  
8 that at that time?  
9 MR. POTTER: Heidi, can you ask one question at a  
10 time.  
11 MS. SHARP: I probably could.  
12 Q. (By Ms. Sharp) First, you have read Mr. Tomica's testimony?  
13 A. **Yes.**  
14 Q. And you understand his testimony was that he was signed in  
15 to his email when Mr. Freck was in the control room with  
16 him?  
17 A. **Yes.**  
18 Q. You understand that his testimony also was that Mr. Freck  
19 went to his workstation and did something, and that he never  
20 forwarded Exhibit 1 to Mr. Freck's workstation?  
21 MR. POTTER: The question is: Are you aware  
22 that's what he says?  
23 A. **I am aware that the document said that, yes.**  
24 MR. POTTER: No. Are you aware that that's what  
25 he said in his deposition?

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1 Freck's first-line supervisor?  
2 A. **No.**  
3 Q. Do you recall who was Mr. Freck's first-line supervisor?  
4 A. **Yes. Bob Harvey. David Freck is in facilities, so he was**  
5 **completely out of our group.**  
6 Q. Once someone signs into their email system at Kelly  
7 Services, if they were to walk away from their workstation,  
8 could someone else approach it and then forward an email to  
9 themselves?  
10 A. **Theoretically, yes, except our policy is that if you walk**  
11 **away from your desktop, you lock your monitor so somebody**  
12 **can't --**  
13 Q. You are supposed to do a Control-Alt-Delete, which locks  
14 your monitor?  
15 A. **Right.**  
16 Q. If somebody were to have signed into their workstation and  
17 they get called away or distracted, there are times when  
18 they don't always hit Control-Alt-Delete, aren't there?  
19 A. **That would be speculation. I do it religiously. Other**  
20 **people I couldn't tell you, but it could happen.**  
21 Q. At Kelly Services, there are employees who may not always  
22 hit Control-Alt-Delete every time?  
23 A. **We have -- what do you call it? Not the screen saver. It**  
24 **automatically --**  
25 Q. It can lock you out after so long?

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1 THE WITNESS: Yes.  
2 Q. (By Ms. Sharp) Under oath, as you are today, that was his  
3 testimony?  
4 A. **Yes.**  
5 Q. Are you aware that that is what could have occurred?  
6 MR. POTTER: You are asking him if it's  
7 possible?  
8 MS. SHARP: Sure.  
9 MR. POTTER: Go ahead.  
10 A. **Yes.**  
11 Q. (By Ms. Sharp) And although Mr. Freck brought this to you,  
12 because after the fact he could have realized I don't want  
13 to be in trouble when this has occurred, you took Mr.  
14 Freck's word for it right off the bat, didn't you?  
15 A. **That the email had been forwarded and that Tomica had asked**  
16 **for it?**  
17 Q. Yes.  
18 A. **Enough to not dismiss it, yes.**  
19 Q. Because you have an email, actually, that's forwarded from  
20 Mr. Tomica's email to Mr. Freck's email, and Mr. Freck is  
21 bringing it to you. But it's really printed from Mr.  
22 Freck's account, isn't it?  
23 A. **Yes, it is.**  
24 Q. According to Mr. Freck, the whole point of this email is to  
25 get it to Mr. Isotalo, isn't it?

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39 (Pages 150 to 153)



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1 **A. Correct.**  
2 Q. But you have no evidence that it was ever sent to Mr.  
3 Isotalo, do you?  
4 **A. No. But at the time I had evidence that this email had been**  
5 **shared with Freck, and Freck should never have seen it. So**  
6 **I knew there was a Code of Conduct violation in here**  
7 **somewhere.**  
8 Q. As far as you know, Freck is really the one who sent it to  
9 himself?  
10 **A. I don't know that to be true.**  
11 Q. But you don't know that what Freck said was true either, do  
12 you?  
13 **A. At that time, no.**  
14 Q. But you accepted it?  
15 **A. To the point that it had to be reported and looked into,**  
16 **yes.**  
17 Q. You accepted what Freck said and, instead, went to  
18 Mr. Catalano and had Mr. Tomica investigated by Tracy  
19 Hopper?  
20 **A. It was not my decision to do that, but that is what**  
21 **occurred, yes.**  
22 Q. But it was your decision to go to Mr. Catalano to have Mr.  
23 Tomica, one of your guys, investigated by Tracy Hopper?  
24 **A. Exactly. Because we had a clear case of a Code of Conduct**  
25 **violation being presented to me, and there was no way I**

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1 **A. Right.**  
2 Q. Were you part of that conclusion?  
3 **A. No.**  
4 Q. Did you believe David Freck?  
5 **A. Not entirely.**  
6 Q. Why not?  
7 **A. All I had was this to look at. I had him telling me that**  
8 **the printer in the control room wasn't working, and this**  
9 **email had gone from Dan to him and he was printing it off.**  
10 **It didn't seem right. And that was one reason it**  
11 **needed to be looked into.**  
12 Q. You received this information from Mr. Freck the evening of  
13 the 23rd?  
14 **A. Yes. Whatever evening it was.**  
15 Q. So on the 24th, you are back at work, right?  
16 **A. Correct.**  
17 Q. Did you go look, ever, and find out if the printer in the  
18 control room had any problems with it?  
19 **A. I did, as a matter of fact.**  
20 Q. Did it have any problems with it?  
21 **A. It didn't.**  
22 **We were using Windows XP. The printer is set up**  
23 **based on profile, so my profile worked. Dan's might not**  
24 **have been set up, or it could have been misconfigured. So**  
25 **without signing on as Dan, I wouldn't have been able to know**

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1 **could just say, oh, we are going to dismiss that.**  
2 Q. Freck has an email he shouldn't have, right?  
3 **A. Yes.**  
4 Q. Did you ever tell his first-line supervisor, we need to look  
5 into how he got this?  
6 **A. No.**  
7 Q. Shouldn't that have been investigated, also?  
8 **A. That would not have been up to me. It would have been up to**  
9 **Tracy to look into.**  
10 Q. Do you know if Tracy looked into it?  
11 **A. I do.**  
12 Q. You do?  
13 **A. I do now.**  
14 Q. Did she look into how he obtained it?  
15 **A. She did.**  
16 Q. And what was her conclusion?  
17 **A. The conclusion was that it had been forwarded, because of**  
18 **the whole thing about John and Dan asking for assistance**  
19 **with the printer.**  
20 Q. So as far as she was concerned, it was forwarded by Mr.  
21 Tomica's email to Mr. Freck's because of the help with the  
22 printer?  
23 **A. Dan had asked for assistance, and this is part of the**  
24 **product of that, yes.**  
25 Q. So as far as you know, that was Ms. Hopper's conclusion?

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1 **if his access or configuration was accurate or not.**  
2 Q. Did you ever sign on as Dan and find out if his profile had  
3 a problem?  
4 **A. No.**  
5 Q. Why not?  
6 **A. It's against our policy.**  
7 Q. You were the head of global security and investigations at  
8 Kelly Services at that time, right?  
9 **A. No.**  
10 Q. Did I have your title wrong?  
11 **A. You got my title right, but I am not in charge of the group.**  
12 Q. On March 23, 2011, wouldn't you not have had the authority  
13 to sign on as Dan Tomica and find out if there was a problem  
14 with his profile and his printer?  
15 **A. No.**  
16 Q. Why not?  
17 **A. Number one, as a manager, I can't investigate one of my own**  
18 **people. As a member of security, I couldn't investigate**  
19 **somebody that works for me in the security group. That's**  
20 **why it was all turned over to Tom Catalano.**  
21 **If Tom had asked IT to do that or had asked Tracy**  
22 **to do that, et cetera, et cetera, that could have been done,**  
23 **but it wasn't something that I would have done.**  
24 Q. Did you ever tell Tom Catalano, don't entirely believe  
25 Freck's story because I checked the printer this morning,

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40 (Pages 154 to 157)

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1 and it seems to work fine for myself?  
2 **A. No.**  
3 MR. POTTER: Can I ask one question so I don't  
4 forget?  
5 MS. SHARP: Sure.  
6 MR. POTTER: It will be something you may want to  
7 know.  
8 MS. SHARP: Why not.  
9 MR. POTTER: Did Mr. Freck's supervisor in  
10 maintenance also report to Mr. Catalano?  
11 In other words, was the maintenance group under  
12 Mr. Catalano at the time?  
13 THE WITNESS: Yes.  
14 Q. (By Ms. Sharp) Did you know that Mr. Tomica and the other  
15 security officers had access to their Kelly Services' email  
16 off site?  
17 **A. Yes. Every employee does.**  
18 Q. Did you know that because they were able to print emails off  
19 site?  
20 **A. Yes.**  
21 Q. Would you expect that if they needed to print emails as it  
22 related to Kelly Services' business that they would print  
23 emails off site?  
24 **A. No. Generally, people don't send emails. It is a little**  
25 **redundant. If you got it in your email, you got it in your**

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1 Services, would you consider there had been no violation of  
2 the Kelly Services Email User Agreement?  
3 MR. POTTER: Say that again, please.  
4 Q. (By Ms. Sharp) If Mr. Tomica had no intent to provide Mr.  
5 Isotalo a copy of Deposition Exhibit 1 while he was employed  
6 at Kelly Services, wouldn't it be the case that there would  
7 be no violation of the Kelly Services Communication and  
8 Information Systems User Agreement?  
9 **A. If Dan and John had both been employed at the same time?**  
10 Q. No. Mr. Isotalo is already terminated.  
11 **A. So Dan works for us.**  
12 Q. Dan works for you. He does have a copy of Deposition  
13 Exhibit 1, the email, because he has printed it for his own  
14 use. I understand that you don't understand that some  
15 people might do that, but he has printed it for his own use  
16 to have that information while he is employed there.  
17 MR. POTTER: She is asking you to assume that's  
18 the truth.  
19 Q. (By Ms. Sharp) Assume that's the truth.  
20 If he had printed it for his own business use  
21 while at Kelly Services but with no intent to provide it to  
22 Mr. Isotalo, would you agree that there is no violation of  
23 the Kelly Services Communication and Information Systems  
24 User Agreement?  
25 **A. It would depend on what he was doing with it and what the**

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1 **email. Why would you print a copy of it?**  
2 Q. Does every Kelly Services employee have a smartphone?  
3 **A. No.**  
4 Q. Have you ever considered that a Kelly Services employee may  
5 need to print the email in order to obtain that information  
6 for themselves during business hours?  
7 **A. Why would they need to do that?**  
8 Q. That has never occurred to you?  
9 **A. No. If you have access to your email at work, you have**  
10 **access to your email at work.**  
11 Q. Just for the sake of asking it again, it's never occurred to  
12 you that you might need to print the email in order to have  
13 access to the information in printed form?  
14 **A. No.**  
15 Q. Were you aware that Mr. Tomica would make notes in his  
16 notebook or print emails in order for him to help recall  
17 what was in the information in the emails?  
18 **A. I was made aware after the fact.**  
19 Q. When is after the fact?  
20 **A. After the investigation. Maybe it was when I read his**  
21 **deposition.**  
22 Q. So not while he was employed for Kelly Services?  
23 **A. No.**  
24 Q. If Mr. Tomica had no intent to provide Mr. Isotalo  
25 Deposition Exhibit 1 while he was employed at Kelly

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1 **end result, the disposition of that piece of paper was. If**  
2 **he took it home and left it at home, if he lost it, if he**  
3 **threw it in the trash can, et cetera, et cetera, and that**  
4 **information was improperly disseminated, yes, it is a**  
5 **violation.**  
6 **That's why most of us don't print email. The**  
7 **standard practice is you leave it in your email.**  
8 Q. He prints it to use it while at work. He has no intention  
9 to provide it to Mr. Isotalo, who is now a terminated  
10 employee.  
11 Would you agree, then, there is no violation of  
12 the Kelly Services Communication and Information Systems  
13 User Agreement?  
14 **A. As long as that information didn't go home or go astray. If**  
15 **it was used at work and shredded, yes, that would be fine.**  
16 Q. You believe that it has to be used at work and shredded each  
17 time?  
18 **A. Yes.**  
19 Q. If it's inadvertently taken home at the end of the day, you  
20 believe that's a violation of the Communication and  
21 Information Systems User Agreement?  
22 **A. There is no reason to take it home.**  
23 Q. No matter what?  
24 **A. No matter what.**  
25 Q. Do you have a smartphone?

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41 (Pages 158 to 161)

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1 **A. I do.**  
2 Q. Each evening do you take it home with you?  
3 **A. Most evenings, unfortunately.**  
4 Q. Each evening do you check emails?  
5 **A. I do.**  
6 Q. So you take your email home with you each evening, isn't  
7 that the case?  
8 **A. I take a device home that's secure. It's password**  
9 **protected, nobody else gets it and I don't leave it around**  
10 **for people to look at.**  
11 Q. So you believe that that's different, because even though  
12 you are taking your email home, he may have had printed  
13 emails which somebody could have obtained?  
14 **A. Right. The phone that I have has dual passwords. It**  
15 **doesn't go out of my sight. A piece of paper could be**  
16 **thrown in the garbage, and then who knows who gets it.**  
17 Q. And a piece of paper in a briefcase is not secure in your  
18 determination?  
19 **A. Yes. We deal with a lot of cases where proprietary**  
20 **information, laptops and things, are stolen out of**  
21 **briefcases in cars and on trains.**  
22 **Again, we don't print documents. We don't leave**  
23 **the stuff sitting around. We don't leave our iPhones out of**  
24 **our sight.**  
25 Q. When that information is stolen, are each of those employees

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1 **A. Actually, I think it was somebody who was working for us**  
2 **from Nationwide -- or they just increased the number of**  
3 **hours the employees were putting in. I don't know if**  
4 **another physical person turned up.**  
5 Q. Do you recall who that was?  
6 **A. No.**  
7 Q. You don't have any recollection of that?  
8 **A. I don't.**  
9 Q. When the Nationwide contract ran out on April 25th, about  
10 how many Kelly Services direct-hire employees were working  
11 as security officers?  
12 **A. Let's see.**  
13 Q. Let me ask you this: Kyron Bradstrom was an employee?  
14 **A. Yes. I think there were five.**  
15 Q. Kyron Bradstrom, Robert Haynes, Darryl Schoenweg and Ralph  
16 Gatewood?  
17 **A. And Gary something.**  
18 THE WITNESS: What was Gary's last name?  
19 MR. POTTER: Galesewicz.  
20 **A. So five. One, two, three, four, five.**  
21 Q. (By Ms. Sharp) Kyron, Robert, Darryl, Ralph and Gary.  
22 So you had five security officers who were  
23 directly hired by Kelly?  
24 **A. Yes.**  
25 Q. You did not seek out or obtain replacements for Mr. Tomica

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1 disciplined?  
2 **A. I don't know.**  
3 Q. After Mr. Tomica was terminated, was a new Kelly Services  
4 employee hired to replace him?  
5 **A. Full-time employee, no.**  
6 Q. Was there a KTE employee hired to replace him?  
7 **A. No.**  
8 Q. Was there a new employee requested from the contract company  
9 to obtain head count at the Kelly Services security officers  
10 group?  
11 **A. Yes. From Nationwide.**  
12 MR. POTTER: From who?  
13 THE WITNESS: Nationwide.  
14 Q. (By Ms. Sharp) At the time that Mr. Tomica was terminated,  
15 the next employee that you requested to obtain head count  
16 was from Nationwide?  
17 **A. The next several. Until that contract ran out, we had to**  
18 **use them.**  
19 Q. Do you recall when that contract ran out?  
20 **A. There was a 30-day window. April 25th, I think is when the**  
21 **contract ran out with Nationwide.**  
22 Q. April 25th?  
23 **A. Yes, of 2011.**  
24 Q. Someone was requested from Nationwide to obtain head count  
25 at Kelly Services after Mr. Tomica was let go?

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1 or Mr. Isotalo?  
2 **A. On a full-time basis, no.**  
3 Q. That was your decision?  
4 **A. No.**  
5 Q. Whose decision?  
6 **A. I believe it was Tom Catalano and higher. It was a**  
7 **budgetary issue.**  
8 Q. But contract employees were obtained to continue having 24/7  
9 security officers at Kelly Services?  
10 **A. Like I said, I don't believe we brought anyone extra in. We**  
11 **just increased the hours of the contract officers we had**  
12 **working for us.**  
13 Q. Until April 25?  
14 **A. Right.**  
15 Q. Then after April 25, the contract with Whelan Security  
16 began?  
17 **A. Yes.**  
18 Q. During 2011, Mr. Bradstrom was terminated?  
19 **A. Yes.**  
20 Q. Mr. Haynes was terminated?  
21 **A. Right.**  
22 Q. Mr. Schoenweg quit?  
23 **A. No. He still works for us. He still reports to me.**  
24 Q. But Mr. Gatewood did quit in 2012?  
25 **A. Right.**

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42 (Pages 162 to 165)

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1 Q. Mr. Bradstrom and Mr. Haynes were not replaced either, were  
2 they?  
3 **A. By full-time people?**  
4 Q. By full-time Kelly Services direct-hire people.  
5 **A. Yes. It was a budgetary decision.**  
6 Q. Were you part of that decision?  
7 **A. No. The company is under a mandated expense control. There**  
8 **is a name for it. There is a program that the company**  
9 **instituted basically freezing new hires. It is all**  
10 **budgetary. It was out of my hands, and I think it was out**  
11 **of Tom's, too.**  
12 Q. Do you know when this was instituted?  
13 **A. I think it started in 2011 or 2010.**  
14 Q. Has the program been amended at all through 2012?  
15 **A. I don't know.**  
16 Q. But your understanding is that Mr. Bradstrom and Mr. Haynes  
17 were not replaced by full-time Kelly Services employees  
18 because of budgetary constraints?  
19 **A. Right. We haven't had any hiring in our department at all.**  
20 Q. Was Mr. Gatewood replaced?  
21 **A. No.**  
22 Q. But a contract was signed with Whelan Security on April 25,  
23 2011?  
24 **A. March 25th.**  
25 Q. And contract security officers were brought in to continue

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1 Q. They work in the control room?  
2 **A. Yes.**  
3 Q. They protect the site in the same way?  
4 **A. Yes.**  
5 Q. They have the same authority with the employees, that kind  
6 of thing?  
7 **A. Yes.**  
8 Q. They report to you in the same way?  
9 **A. Yes.**  
10 Q. I understand that their paycheck may come from someplace  
11 else. They don't have benefits from being a direct Kelly  
12 Services employee?  
13 **A. Right. There is some internal stuff like that.**  
14 Q. Now, there are a variety of individuals who have worked for  
15 you since that time?  
16 **A. Yes.**  
17 Q. And they were directly hired, as far as you know, through  
18 Whelan Security Company?  
19 **A. Yes.**  
20 Q. Joseph Krupa?  
21 **A. Yes.**  
22 Q. Do you recall the amount of time approximately that Mr.  
23 Krupa was supervised by you?  
24 **A. I think he worked for us for like five months.**  
25 Q. Approximately how old is Mr. Krupa?

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1 24/7 operations at Kelly Services?  
2 **A. Right. To backfill the full-time employees.**  
3 Q. That used to work there?  
4 **A. Yes.**  
5 Q. The contract security officers have the same position  
6 description as the security officers that had been  
7 terminated or quit?  
8 **A. Yes, a security officer.**  
9 Q. They have the same position description, same duties, same  
10 authority, same clearance, control room, all of that?  
11 **A. Yes.**  
12 Q. Do you have some hesitation?  
13 **A. I do.**  
14 Q. Why?  
15 **A. Because they are not full-time employees. They don't get**  
16 **the same benefits, and they don't get the same perks. There**  
17 **are a lot of perks and benefits and whatnot that the**  
18 **full-time people have gotten that the contract people**  
19 **don't.**  
20 Q. That's not what I am asking you.  
21 Position description, as far as they have the  
22 same duties?  
23 **A. Yes.**  
24 Q. They do rounds?  
25 **A. Yes.**

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1 **A. In his twenties.**  
2 Q. At what time period was this?  
3 **A. I think it was like April to October of 2012, I believe.**  
4 **Those are rough dates.**  
5 Q. Aaron Hirsch, do you know about what time period he worked?  
6 **A. No. Sometime in 2011. It was three or four months.**  
7 **I think he was 40 or 41, 39 or 40.**  
8 MR. POTTER: I don't want you to guess at ages.  
9 Q. (By Ms. Sharp) Why does Mr. Joseph Krupa no longer work as  
10 a security officer?  
11 MR. POTTER: Object to foundation. He worked for  
12 Whelan.  
13 You can answer.  
14 Q. (By Ms. Sharp) Did you have anything to do with Mr. Krupa  
15 no longer providing security officer services for Kelly  
16 Services?  
17 **A. Yes.**  
18 Q. Why does he no longer provide security services to Kelly  
19 Services?  
20 **A. He made a mistake handling an alarm situation, and we lost**  
21 **confidence in his abilities.**  
22 Q. Did you have anything to do with Mr. Aaron Hirsch no longer  
23 providing security services to Kelly Services?  
24 **A. No. He moved on to a better position.**  
25 Q. That's what he told you?

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43 (Pages 166 to 169)



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1 **A. Yes.**  
2 Q. Thomas Szkola?  
3 **A. He moved on to a better position within Whelan Security.**  
4 Q. Is that what he told you?  
5 **A. Yes. He is a supervisor now at one of their other sites.**  
6 Q. As far as you know, he still works there?  
7 **A. Yes.**  
8 Q. What is his approximate age?  
9 MR. POTTER: If you can approximate, fine. If  
10 you are just guessing, tell her I am guessing. Don't  
11 answer.  
12 Q. (By Ms. Sharp) Do you know it based on appearance?  
13 **A. I don't know. He was older than the rest of the crew. He**  
14 **wasn't as old as Hirsch.**  
15 **I don't know. He had a wife and kids. I would**  
16 **say thirties.**  
17 Q. How long did he provide services to Kelly Services?  
18 **A. Three to six months.**  
19 Q. Did you have anything to do with him no longer providing  
20 services to Kelly Services?  
21 **A. No. Like I said, he moved on to a better position.**  
22 Q. Brian Szmatala?  
23 **A. He was with us probably six to eight months.**  
24 Q. Did you have anything to do with him no longer providing  
25 services to Kelly Services?

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1 **A. Yes. We cut back on the number of officers we had, and he**  
2 **went back to Whelan Security.**  
3 Q. Do you know his approximate age?  
4 **A. Twenty-five to thirty.**  
5 Q. Paul George?  
6 **A. He left because of medical issues. He worked for us for**  
7 **about six months.**  
8 Q. He told you it was medical?  
9 **A. Yes. Whelan Security actually removed him, because he was**  
10 **missing too much time because of medical issues.**  
11 Q. Do you know his approximate age?  
12 **A. He was 30 to 35. He was older.**  
13 Q. Mark Aren?  
14 **A. Mark Aren resigned because of commuting distance, and he had**  
15 **personal issues with his family, divorce, whatever. He**  
16 **worked for us for about six months.**  
17 **Some of those guys were full time and some were**  
18 **part time.**  
19 Q. Do you know his approximate age?  
20 **A. In his twenties. He was in Iraq and came back.**  
21 Q. Andrew Warner?  
22 **A. He resigned and took a position in law enforcement. He**  
23 **worked for us for about six months, five months.**  
24 Q. Do you know his approximate age?  
25 **A. Twenties.**

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1 Q. Erika Moritz?  
2 **A. She is actually in Afghanistan with the army right now. She**  
3 **is coming back to us. She is basically on a military leave**  
4 **of absence from Whelan Security, so she was removed from the**  
5 **assignment. She is going to come back to us, I think.**  
6 Q. Do you know her approximate age?  
7 **A. Twenties.**  
8 Q. Gregory Butler?  
9 **A. He worked for us for a few months. Probably three or four.**  
10 **He moved on to a different position. He was in his**  
11 **twenties, I think.**  
12 Q. Different position with Whelan?  
13 **A. I believe so, yes.**  
14 Q. And do you know his approximate age?  
15 **A. In his twenties.**  
16 **He was one of our part-time guys that wanted more**  
17 **hours. There were a couple of guys that were part time.**  
18 MR. POTTER: Just answer the question.  
19 Q. (By Ms. Sharp) Did he also have military experience?  
20 **A. Who?**  
21 Q. Mr. Butler.  
22 **A. No. He had worked for --**  
23 MR. POTTER: You answered. Thank you.  
24 Q. (By Ms. Sharp) Cody Kovacic?  
25 **A. He worked for us for a year and moved on to a law**

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1 **enforcement position.**  
2 Q. So he had training and background in law enforcement?  
3 **A. Right. At university and Police Academy.**  
4 Q. Is that something that Whelan looked for, was people with  
5 law enforcement experience for their security guards?  
6 **A. There is a big push to hire veterans, but law enforcement**  
7 **and military, yes.**  
8 Q. Is that something that they advertised?  
9 MR. POTTER: Foundation.  
10 If you know.  
11 **A. I know they advertised the military part.**  
12 Q. (By Ms. Sharp) Is that something that drew you to them?  
13 **A. No.**  
14 Q. What drew you to them?  
15 **A. The fact they had a good bill rate, and that they would**  
16 **provide us staff under the staffing model that we were**  
17 **interested in.**  
18 Q. What is Cody's approximate age?  
19 **A. He is in his twenties.**  
20 Q. Timothy Racicot?  
21 **A. He worked for us for just over a year, and he now works for**  
22 **the Department of Homeland Security.**  
23 Q. Does he have prior military training?  
24 **A. No.**  
25 Q. Was he seeking a government position that you know of?

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44 (Pages 170 to 173)

PAUL NICHOLAS WHELAN  
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1 **A. Seeking a government position?**  
2 Q. Well, he is working for the Department of Homeland  
3 Security.  
4 **A. He is a -- what do you call it?**  
5 MR. POTTER: TSA?  
6 THE WITNESS: No.  
7 **A. -- border patrol.**  
8 MR. POTTER: ICE?  
9 THE WITNESS: Yes. He is a federal agent with  
10 ICE.  
11 Q. (By Ms. Sharp) Do you know his approximate age?  
12 **A. Twenties.**  
13 Q. Chris Veltri?  
14 **A. He worked for us for a year. He actually moved to Grand**  
15 **Rapids to follow his girlfriend. He works for Lowe's.**  
16 Q. In security?  
17 **A. Yes. Loss prevention. I guess you'd call it security.**  
18 Q. Loss prevention is a form of security, right?  
19 **A. Yes.**  
20 Q. His approximate age?  
21 **A. Twenties.**  
22 Q. When we went through some of the military background, you  
23 didn't get a chance to tell me, does Joseph Krupa have any  
24 military or law enforcement background that you know of?  
25 **A. Just a bachelor's in criminal justice.**

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1 **with us a year.**  
2 MR. POTTER: Just answer her question. She  
3 didn't ask much. She just said "Stephen Flynn"?  
4 THE WITNESS: I am trying to be helpful.  
5 MR. POTTER: She has dates of birth, so just let  
6 her ask.  
7 Q. (By Ms. Sharp) Katherine Kroneck, does she have any prior  
8 law enforcement or military experience that you know of?  
9 **A. No.**  
10 Q. Scott Peterson, do you know if he has any prior military or  
11 law enforcement experience?  
12 **A. Yes.**  
13 Q. What does he have that you know of?  
14 **A. Marine Corps. He is a college student.**  
15 **Kroneck has got a bachelor's in criminal justice,**  
16 **if you want to count that as criminal justice experience.**  
17 Q. Gabriel Guzman, does he have any prior --  
18 **A. Marine Corps.**  
19 Q. Paul Skerske?  
20 **A. Marine Corps.**  
21 Q. Louis Delegato?  
22 **A. Neither.**  
23 Q. Do you know why the oldest person working for you currently  
24 is 29?  
25 **A. Why?**

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1 Q. Aaron Hirsch?  
2 **A. He had a degree in criminal justice and some security**  
3 **experience.**  
4 Q. Thomas Szkola?  
5 **A. He had been to the Police Academy. I don't know what level**  
6 **of education, but he had to have had at least an associate's**  
7 **to do that. And he had prior security service.**  
8 Q. Brian Szmatala?  
9 **A. I can't remember what his background was off the top of my**  
10 **head.**  
11 Q. Paul George?  
12 **A. He had prior security experience. He actually had a**  
13 **bachelor's in communications or something.**  
14 Q. The current security officers that you have assigned to you  
15 are Kevin Schwall?  
16 **A. Yes.**  
17 Q. Do you know his approximate age?  
18 **A. Twenties.**  
19 Q. Does he have any prior law enforcement experience?  
20 **A. No. A bachelor's in criminal justice. He might have his**  
21 **master's by now. I know he is working on it.**  
22 Q. How long has he been working for you?  
23 **A. Almost two years. One year eight months or something.**  
24 Q. Stephen Flynn?  
25 **A. Bachelor's, Police Academy. In his twenties. He has been**

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1 Q. Yes.  
2 **A. No.**  
3 Q. Do you know that --  
4 **A. Actually, that's not true. The oldest person working for me**  
5 **I think he is 63.**  
6 Q. That's Darryl?  
7 **A. No. Malcolm Thompson.**  
8 Q. And what is his position?  
9 **A. He is a coordinator.**  
10 Q. Is he a security officer?  
11 **A. No.**  
12 Q. The oldest security guard working for you is 29?  
13 **A. Security officer. No, Darryl. He is 50-something.**  
14 Q. Darryl is 50-something?  
15 **A. I don't know his exact age.**  
16 Q. Darryl has been working for you how long?  
17 **A. For me or the company?**  
18 Q. Darryl has been working for Kelly Services for how long that  
19 you know of?  
20 **A. Fifteen years. We just celebrated his fifteenth.**  
21 Q. So he has been working for Kelly Services for about 15  
22 years. Since that time -- let me start over. Strike that.  
23 Mr. Isotalo was let go and not replaced, Dan  
24 Tomica was let go and not replaced and contract employees  
25 were sought out instead. The oldest contract employee

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45 (Pages 174 to 177)

PAUL NICHOLAS WHELAN  
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1 currently working for Kelly Services is 29.  
2 **A. I don't know that to be true.**  
3 Q. I am looking at a list that was provided to me by your  
4 attorney of the current contract employees working for Kelly  
5 Services as security officers. We just went through their  
6 approximate ages and their experience. I have their dates  
7 of birth. And you told me that Kevin Schwall is  
8 approximately in his twenties.  
9 According to the list that I have, the oldest  
10 contract security officer working for Kelly Services is 29.  
11 Do you know why?  
12 MR. POTTER: Objection. Asked and answered. He  
13 just said no.  
14 **A. No.**  
15 Q. (By Ms. Sharp) Did you find Mr. Tomica, Mr. Isotalo, Kyron  
16 Bradstrom, Robert Haynes or Mr. Gatewood to be cranky?  
17 **A. Cranky?**  
18 MR. POTTER: You mean like in Austin Powers  
19 cranky?  
20 Q. (By Ms. Sharp) I think it is an adjective. You seem good  
21 at adjectives.  
22 Cranky -- I think you understand the word.  
23 **A. I don't think any of them were cranky.**  
24 Q. You don't think you ever used that word?  
25 **A. That I used it?**

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1 **change.**  
2 Q. Did you find them to be out of touch?  
3 **A. With what?**  
4 Q. With their ability to change or, as you called it, work with  
5 the model that Kelly Services needed for security officers.  
6 **A. As a group they did okay. I mean, there were issues.**  
7 **Obviously, a company like Kelly is constantly upgrading**  
8 **software and upgrading systems, and people have to keep up**  
9 **with that. As a group, they did fine.**  
10 MR. POTTER: She is not talking about technology  
11 now.  
12 MS. SHARP: If he wants to talk about technology,  
13 we can talk about technology.  
14 **A. As a group they did fine.**  
15 MR. POTTER: If he is talking about technology,  
16 he is not answering your question.  
17 Q. (By Ms. Sharp) Did you feel any of them individually  
18 couldn't keep up?  
19 **A. No.**  
20 Q. Did you find any of them to be vibrant? Enthusiastic? Full  
21 of energy?  
22 **A. Yes.**  
23 Q. You did?  
24 **A. Yes.**  
25 Q. Which ones?

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1 Q. Yes.  
2 MR. POTTER: To describe those guys you mean?  
3 MS. SHARP: Yes.  
4 **A. I doubt it. I know people that are cranky. I use hinky**  
5 **more than I use cranky.**  
6 Q. (By Ms. Sharp) Have you referred to them as slow?  
7 MR. POTTER: Mentally or physically?  
8 Q. (By Ms. Sharp) Dan Tomica, Kyron Bradstrom, John Isotalo,  
9 Robert Haynes or Ralph Gatewood.  
10 **A. You mean slow in performing their duties?**  
11 Q. Yes.  
12 **A. Yes.**  
13 Q. You thought they were slow in performing their duties?  
14 **A. Yes.**  
15 Q. Do you think that they were technologically challenged?  
16 MR. POTTER: Altogether as a group?  
17 **A. As a group?**  
18 Q. (By Ms. Sharp) Either as a group, or if you want to speak  
19 about them individually, that's fine.  
20 **A. No, I don't think they were technologically challenged.**  
21 Q. You thought that they were able to perform their jobs in  
22 comparison to what you expected with technology?  
23 **A. As a group, yes.**  
24 Q. Do you find them to be rigid?  
25 **A. More recalcitrant than rigid, but yes. Resistant to**

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1 **A. Darryl, Ralph.**  
2 Q. Darryl currently works for you?  
3 **A. Yes.**  
4 Q. You thought Ralph was vibrant, enthusiastic and full of  
5 energy?  
6 **A. Yes. We actually created a position for him because of his**  
7 **personality.**  
8 Q. What is the position you created for him?  
9 **A. He worked at the front desk, basically handling lobby**  
10 **security, greeting the visitors, people coming in and out.**  
11 Q. Did you find them to be adaptable to change?  
12 **A. As a group, yes.**  
13 Q. You did find, as a group, that they were adaptable to  
14 change?  
15 **A. Yes.**  
16 Q. The group of security officers that are working for you now,  
17 who are mostly contract security officers, do you find them  
18 to be adaptable to change?  
19 **A. Yes.**  
20 Q. Vibrant? Enthusiastic?  
21 **A. As a group, yes.**  
22 Q. Full of energy?  
23 **A. Yes.**  
24 MS. SHARP: I'd like to take a short break, and  
25 we will be done soon.

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46 (Pages 178 to 181)

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1 (Brief pause was taken.)  
2 Q. (By Ms. Sharp) Do you have a particular contact at Whelan  
3 Security?  
4 **A. I have I would say three.**  
5 Q. Who is that?  
6 **A. There is Patrick Smith, Robert Abraham and the third guy is**  
7 **Jeffrey Stackhouse.**  
8 MR. POTTER: This Lyle guy isn't your contact?  
9 THE WITNESS: Lyle is a contact, but I talk to  
10 him infrequently. Pat is who I talk to most.  
11 Actually, Bob is who I talk to most. Pat is who  
12 I talk to second most.  
13 Pat is in Minnesota, and I think Lyle is in St.  
14 Louis.  
15 Q. (By Ms. Sharp) When, for example, Chris Veltri moved to  
16 Grand Rapids and you needed a new security officer, who did  
17 you call?  
18 **A. Robert Abraham.**  
19 Q. So when you need a new security officer at Kelly Services  
20 you talked to Rob?  
21 **A. Bob, yes.**  
22 Q. Do you always talk to Bob when you need a new security  
23 officer at Kelly Services?  
24 **A. Yes.**  
25 Q. What do you tell him when you call him and tell him you need

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1 **A. Sometimes it is orally, but yes.**  
2 Q. Bob calls you back and says, they have a Michigan driver's  
3 license, their education is bachelor's of criminal justice,  
4 criminal background pass, drug screen pass, they can read  
5 and write English and you say send them over?  
6 **A. Yes.**  
7 Q. Any other discussion?  
8 **A. About criteria?**  
9 Q. Yes.  
10 **A. No.**  
11 Q. Have you provided him any criteria in the past about who to  
12 look for?  
13 **A. Yes.**  
14 Q. What is the criteria you have provided him?  
15 **A. Clean criminal record, a valid driver's license without any**  
16 **major offenses, read and write English. We have asked for**  
17 **people with foreign language skills, because it is a global**  
18 **company. The ability to operate basic office machines,**  
19 **computers, if they know how to either use like a MacBook Pro**  
20 **and related software or Microsoft and related software.**  
21 **We use both, so that encompasses all of the**  
22 **applicants.**  
23 Q. Any certain educational level?  
24 **A. No. We have people from high school through working on**  
25 **master's degrees.**

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1 a new security officer?  
2 **A. That we have the need for a security officer.**  
3 Q. When he obtains a new person, do you do any interview at  
4 Kelly Services?  
5 **A. No.**  
6 Q. Do you do anything to screen, to follow up, to ensure that  
7 the person that he is presenting is what you want for your  
8 model?  
9 **A. Yes.**  
10 Q. What do you do?  
11 **A. There is like -- what do you call it? Not a prospectus,**  
12 **like a C.V. It's not even a C.V., really. It is a**  
13 **checklist of what their qualifications are.**  
14 Q. Like a resume?  
15 **A. No. Less than that. Less than a C.V.**  
16 **Do they have a driver's license, their education**  
17 **level, criminal background, drug screen, stuff like that.**  
18 **Their basic qualifications.**  
19 Q. You are provided that?  
20 **A. Read and write English, yes.**  
21 Q. What did you say?  
22 **A. Read and write English.**  
23 Q. That's on there?  
24 **A. Yes.**  
25 Q. You are provided that checklist, and you review it?

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1 Q. So you have no educational requirements?  
2 **A. No.**  
3 MR. POTTER: Hold on a second. Not even a high  
4 school diploma?  
5 THE WITNESS: Yes, they have to have a high  
6 school diploma. That's Whelan's policy, not ours. So they  
7 do, yes.  
8 MR. POTTER: So you would take a GED?  
9 THE WITNESS: If Whelan hired them, that would be  
10 okay with us.  
11 Q. (By Ms. Sharp) Have you told them that you are seeking  
12 people with military experience?  
13 **A. We don't turn them down, obviously, but no.**  
14 Q. Have you told them that you are seeking people with law  
15 enforcement experience?  
16 **A. Yes.**  
17 Q. You did tell them you are seeking people with law  
18 enforcement experience?  
19 **A. Law enforcement and criminal justice, yes.**  
20 Q. Have you told them anything else about the type of persons  
21 you are seeking?  
22 **A. We had been looking for -- let me step back on the military**  
23 **piece, because they are a big military employer.**  
24 Q. Who is they? Kelly?  
25 **A. No. Whelan Security. We inquired as to whether they had**

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1 like a wounded warrior program and they don't. Nothing  
2 really became of that.  
3 Q. Like disabled vets?  
4 A. Yes. They don't really have a separate program.  
5 Q. Other than the checklist you provided me and the criteria  
6 that you have given in the past, do you have any other  
7 discussion when you call up and tell them you need a  
8 security officer at Kelly?  
9 A. The only other thing would be good communications skills,  
10 analytical skills, things of that nature, their visitor and  
11 customer facing.  
12 Q. Did you ever have any of these discussions with Bob via  
13 email?  
14 A. No. Generally, they are by telephone.  
15 Q. So you don't have any of these criteria listed in an email  
16 to and from him?  
17 A. No.  
18 Q. Other than the contract with Whelan Security, are there any  
19 emails that discuss your request for security officers, the  
20 ones you have now, things like that?  
21 A. No.  
22 Q. Did you get a chance to read Mr. Freck's deposition  
23 testimony?  
24 A. I did, yes.  
25 MR. POTTER: What? I don't have the transcript.

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1 A. Because you have told me, yes.  
2 Q. Do you recall saying that to Mr. Freck?  
3 A. Absolutely not.  
4 Q. You have no recollection of that?  
5 A. None.  
6 Q. Do you have a recollection of meeting with Freck in the  
7 parking lot approximately two or three months after Mr.  
8 Isotalo's and Mr. Tomica's termination where he relayed to  
9 you that Mr. Davis had just told him that Mr. Isotalo and  
10 Mr. Tomica were terminated because of their age?  
11 A. No.  
12 Q. You don't even recall that being told to you?  
13 A. No.  
14 Q. Do you recall any conversations with Mr. Freck regarding Mr.  
15 Isotalo's and Mr. Tomica's termination within two or three  
16 months after their termination?  
17 A. No.  
18 Q. In the parking lot outside of where Mr. Freck has his  
19 maintenance room, I will call it?  
20 A. No.  
21 Q. You don't ever recall saying the phrase to Mr. Freck, "Out  
22 with the old and in with the new"?  
23 A. No.  
24 Q. And you don't know why the security officers that are from  
25 Whelan Security now are all, at the most, age 29, whereas

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1 You didn't read it, because I haven't seen it  
2 yet.  
3 THE WITNESS: Maybe what I saw wasn't that. I  
4 don't know.  
5 Q. (By Ms. Sharp) Mr. Freck testified that Mr. Davis told him  
6 and another Kelly employee that Mr. Isotalo and Tomica were  
7 terminated because of their age.  
8 Do you understand that that's an allegation in  
9 this litigation?  
10 A. Yes.  
11 Q. And you heard that testimony, so you know that --  
12 MR. POTTER: I told him what Freck said. But he  
13 hasn't read the transcript, which was your question.  
14 MS. SHARP: That was my first question. Then we  
15 went past that.  
16 Q. (By Ms. Sharp) You understand that that's an allegation in  
17 this litigation?  
18 A. Yes.  
19 Q. Do you understand that Mr. Freck also alleges that after he  
20 was told that by Mr. Davis, he went upstairs from his  
21 maintenance room where this occurred and he ran into you,  
22 where he then repeated this to you, and your response was,  
23 "Out with the old and in with the new."  
24 My first question is: You understand that that  
25 is what he alleges?

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1 the security officers who were hired by Kelly directly prior  
2 were age 50 and above?  
3 MR. POTTER: Objection. Asked and answered. He  
4 already told you no twice.  
5 Tell her for the third time.  
6 A. No.  
7 MS. SHARP: That's all I have.  
8 (Brief pause was taken.)  
9 EXAMINATION  
10 BY MR. POTTER:  
11 Q. Do you recall having a conversation with Mr. Freck and Mr.  
12 Abbott in August of 2011 regarding Steve Davis?  
13 A. Yes.  
14 Q. Tell Ms. Sharp what that conversation was.  
15 A. After Bob Haynes had been terminated, Randy Abbott and David  
16 Freck came to me and said that Steve Davis had made comments  
17 about me, I needed to watch my back and that he might be out  
18 for me.  
19 Q. Did they tell you what kind of comments he was making about  
20 you?  
21 A. No.  
22 Q. Anything that had to do with your management?  
23 A. It had to do with the manner with which I was managing  
24 campus security versus how he had managed the group prior  
25 to.

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PAUL NICHOLAS WHELAN  
January 18, 2013

1 Q. Did they make any allegations to you at that time that Davis  
2 had said that you were terminating people because of their  
3 age?  
4 A. No.  
5 MR. POTTER: That's all I have.  
6 RE-EXAMINATION  
7 BY MS. SHARP:  
8 Q. Did you just testify to everything that Abbott and Freck  
9 told you on that day in August of 2011?  
10 A. Yes.  
11 Q. Did you ever have any other conversation with Freck and  
12 Abbott regarding anything that Steve Davis had said to you?  
13 Let me backup.  
14 MR. POTTER: To them you mean?  
15 Q. (By Ms. Sharp) Had said to them about you?  
16 A. No.  
17 MS. SHARP: That's all I have.  
18 (Deposition concluded at or  
19 about approximately 3:50 P.M.  
20 Signature of the witness was not  
21 requested by counsel for the  
22 respective parties hereto.)  
23 ---  
24  
25

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1 STATE OF MICHIGAN )  
2 ) SS  
3 COUNTY OF OAKLAND )  
4 CERTIFICATE OF NOTARY PUBLIC  
5 I certify that this transcript is a complete, true and  
6 correct record of the testimony given by the Witness in the  
7 above-entitled matter.  
8 I also certify that prior to taking this deposition  
9 the Witness was duly sworn to tell the truth.  
10 I also certify that I am not a relative or employee of  
11 or an attorney for a party; or a relative or employee of an  
12 attorney for a party; or financially interested in the  
13 action.  
14  
15  
16  
17  
18 Karen Gruskin, CSR-3026  
19 4669 Maura Lane  
20 West Bloomfield, Michigan 48323  
21 Notary Public, Oakland County, Michigan  
22 My commission expires July 4, 2018  
23  
24  
25

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